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MEMOIRS

OF

JOHN QUINCY ADAMS,

COMPRISING PORTIONS OF

HIS DIARY FROM 1795 TO 1848.

EDITED BY

CHARLES FRANCIS ADAMS.

VOL. V.

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CHAPTER XII. (*Continued.*)

THE DEPARTMENT OF STATE—FIRST TERM.

March 1st, 1820.—I was at the President's. The Missouri slave question has come to its crisis in Congress. The majorities in the two Houses are on opposite sides, and there are Committees of Conference to effect a compromise.

2d. The compromise of the slave question was this day completed in Congress. The Senate have carried their whole point, barely consenting to the formality of separating the bill for the admission of the State of Maine into the Union from that for authorizing the people of the Territory of Missouri to form a State Government. The condition that slavery should be prohibited by their Constitution, which the House of Representatives had inserted, they have abandoned. Missouri and Arkansas will be slave States, but to the Missouri bill a section is annexed, prohibiting slavery in the remaining part of the Louisiana cession north of latitude 36° 30′. This compromise, as it is called, was finally carried this evening by a vote of ninety to eighty-seven in the House of Representatives, after successive days and almost nights of stormy debate.

3d. Went with Mrs. Adams to the Capitol Hill, and viewed Sully's picture of the passage of the Delaware by General Washington, 25th December, 1776, now exhibited in the building lately occupied by the two Houses of Congress. As a picture of men, and especially of horses as large as life, it has merit, but there is nothing in it that marks the scene or the crisis. The principal figure is the worst upon the canvas—badly drawn, badly colored, without likeness and without character. While we were there, Jeremiah Nelson, a member of the House from Massachusetts, came in and told us of John Randolph's motion this morning to reconsider one of the votes of yesterday upon the Missouri bill, and of the trickery by which his motion was defeated by the Speaker's declaring it not in order when first made, the journal of yesterday's proceedings not having been then read; and while they were reading, the Clerk of the House carried the bills as passed by the House to the Senate, so that when Randolph, after the reading of the journals, renewed his motion, it was too late, the papers being no longer in the possession of the House.

And so it is that a law for perpetuating slavery in Missouri, and perhaps in North America, has been smuggled through both Houses of Congress. I have been convinced from the first starting of this question that it could not end otherwise. The fault is in the Constitution of the United States, which has sanctioned a dishonorable compromise with slavery. There is henceforth no remedy for it but a new organization of the Union, to effect which a concert of all the white States is indispensable. Whether that can ever be accomplished is doubtful. It is a contemplation not very creditable to human nature that the cement of common interest produced by slavery is stronger and more solid than that of unmingled freedom. In this instance the slave States have clung together in one unbroken phalanx, and have been victorious by the means of accomplices and deserters from the ranks of freedom. Time only can show whether the contest may ever be with equal advantage renewed. But so polluted are all the streams of legislation in regions of slavery, that this bill has been obtained only by two as unprincipled artifices as dishonesty ever devised: one, by coupling it as an appendage to the bill for admitting Maine; and the other, by this outrage perpetrated by the Speaker upon the rules of the House.

When I came this day to my office, I found there a note requesting me to call at one o'clock at the President's house. It was then one, and I immediately went over. He expected that the two bills, for the admission of Maine, and to enable Missouri to make a Constitution, would have been brought to him for his signature, and he had summoned all the members of the Administration to ask their opinions in writing, to be deposited in the Department of State, upon two questions: 1, Whether Congress had a Constitutional right to prohibit slavery in a Territory; and 2, Whether the eighth section of the Missouri bill (which interdicts slavery *forever* in the Territory north of thirty-six and a half latitude) was applicable only to the Territorial State, or could extend to it after it should become a State.

As to the first question, it was unanimously agreed that Congress have the power to prohibit slavery in the Territories; and yet neither Crawford, Calhoun, nor Wirt could find any express power to that effect given in the Constitution; and Wirt declared himself very decidedly against the admission of any implied powers. The progress of this discussion has so totally merged in passion all the reasoning faculties of the slave-holders, that these gentlemen, in the simplicity of their hearts, had come to a conclusion in direct opposition to their premises, without being aware or conscious of inconsistency. They insisted upon it that the clause in the Constitution, which gives Congress power to dispose of and make all *needful* rules and regulations respecting the territory and other property of the United States, had reference to it only as land, and conferred no authority to make rules binding upon its inhabitants; and Wirt added the notable Virginian objection, that Congress could make only *needful* rules and regulations, and that a prohibition of slavery was not *needful*. Their argument, as Randolph said of it in the House, covered the whole ground, and their compromise, measured by their own principles, is a sacrifice of what they hold to be the Constitution. I had no doubt of the right of Congress to interdict slavery in the Territories, and urged that the power contained in the term "dispose of" included the authority to do everything that could be done with it as mere property, and that the additional words, authorizing needful rules and regulations respecting it, must have reference to persons connected with it, or could have no meaning at all. As to the force of the term needful, I observed, it was relative, and must always be supposed to have reference to some end. Needful to what end? Needful in the Constitution of the United States to any of the ends for which that compact was formed. Those ends are declared in its preamble; to establish justice, for example. What can be more needful for the establishment of justice than the interdiction of slavery where it does not exist?

As to the second question, my opinion was that the interdiction of slavery in the eighth section of the bill *forever* would apply and be binding upon the State as well as the Territory, because, by its interdiction in the Territory, the people, when they come to form a Constitution, would have no right to sanction slavery.

Crawford said that in the new States which have been admitted into the Union upon the express condition that their Constitutions should consist with the perpetual interdiction of slavery, it might be sanctioned by an ordinary Act of their Legislatures.

I said that whatever a State Legislature might do in point of fact, they could not, by any rightful exercise of power, establish slavery. The Declaration of Independence not only asserts the natural equality of all men, and their inalienable right to liberty, but that the only just powers of government are derived from the consent of the governed. A power for one part of the people to make slaves of the other can never be derived from consent, and is, therefore, not a just power.

Crawford said this was the opinion that had been *attributed* to Mr. King.

I said it was undoubtedly the opinion of Mr. King, and it was mine. I did not want to make a public display of it where it might excite irritation, but, if called upon officially for it, I should not withhold it. But the opinion was not peculiar to Mr. King and me. It was an opinion universal in the States where there are no slaves. It was the opinion of all those members of Congress who voted for the restriction upon Missouri, and of many of those who voted against it. As to the right of imposing the restriction upon a State, the President had signed a bill with precisely such a restriction upon the State of Illinois. Why should the question be made now which was not made then?

Crawford said that was done in conformity to the compact of the Ordinance of 1787; and, besides, the restriction was a nullity, not binding upon the Legislatures of those States.

I did not reply to the assertion that a solemn compact, announced before heaven and earth in the Ordinance of 1787, a compact laying the foundation of security to the most sacred rights of human nature against the most odious of oppressions, a compact solemnly renewed by the Acts of Congress enabling the States of Ohio, Indiana, and Illinois to form State Governments, and again by the acts for admitting those States into the Union, was a *nullity*, which the Legislatures of either of those States may at any time disregard and trample under foot. It was sickening to my soul to hear the assertion; but to have discussed it there would have been useless, and only have kindled in the bosom of the Executive the same flame which had been raging in Congress and in the country. Its discussion was unnecessary to the decision of the question proposed by the President. I therefore only said that the Ordinance of 1787 had been passed by the old Congress of the Confederation without authority from the States, but had been tacitly confirmed by the adoption of the present Constitution, and the authority given to Congress in it to make needful rules and regulations for the Territory. I added that in one of the numbers of The Federalist there was an admission that the old Congress had passed the ordinance without authority under an impulse of necessity, and that it was used as an argument in favor of the enlarged powers granted to Congress in the Constitution.

Crawford said it could therefore have little weight as authority.

I replied that it was not wanted as authority; that when the old Confederation was adopted the United States had no territory. Nor was there, in the Act of Confederation in which the powers of Congress under it were enumerated, a word about territory. But there was a clause interdicting to Congress the exercise of any powers not expressly given them. I alluded to the origin of the Confederation with our Revolution; to the revolutionary powers exercised by Congress before the Confederation was adopted; to the question whether the Northwestern Territory belonged to the United States or the separate States; to the delays occasioned by that question in the acceptance of the Confederation, and to the subsequent cessions of territory by several States to the Union, which gave occasion for the Ordinance of 1787; to all which Crawford said nothing.

Wirt said that he perfectly agreed with me, that there could be no rightful power to establish slavery where it was "res nova." But he thought it would not be the force of the Act of Congress that would lead to this result; the principle itself being correct, though Congress might have no power to prescribe it to a sovereign State.

To this my reply was, that the power of establishing slavery not being a sovereign power, but a wrongful and despotic power, Congress had a right to say that no State undertaking to establish it "de novo" should be admitted into the Union; and that a State which should undertake to establish it would put herself out of the pale of the Union, and forfeit all the rights and privileges of the connection.

The President said that it was impossible to exclude the principle of implied powers being granted to Congress by the Constitution. The powers of sovereignty were distributed between the General and State Governments. Extensive powers were given in general terms; all detailed and incidental powers were implied in the general grant. Some years ago, Congress had appropriated a sum of money to the relief of the inhabitants of Caraccas, who had suffered by an earthquake. There was no express grant of authority to apply the public money to such a purpose. It was by an implied power. The material question was only when the power supposed to be implied came in conflict with rights reserved to the State Governments. He inclined also to think with me, that the rules and regulations which Congress were authorized to make for the Territories must be understood as extending to their inhabitants.

And he recurred to the history of the Northwestern Territory, the cessions by the several States to the Union, and the controversies concerning this subject during our Revolutionary War. He said he wished the written opinion of the members of the Cabinet, without discussion, in terms as short as it could be expressed, and merely that it might be deposited in the Department of State.

I told him that I should prefer a dispensation from answering the second question, especially as I should be alone here in the opinion which I entertained; for Mr. Thompson, the Secretary of the Navy, cautiously avoided giving any opinion upon the question of natural right, but assented to the slave-sided doctrine that the eighth section of the bill, word *forever* and all, applied only to the time and condition of the Territorial Government. I said, therefore, that if required to give my opinion upon the second question, standing alone, it would be necessary for me to assign the reasons upon which I entertained it.

Crawford saw no necessity for any reasoning about it, but had no objection to my assigning my reasons.

Calhoun thought it exceedingly desirable that no such argument should be drawn up and deposited. He therefore suggested to the President the idea of changing the terms of the second question, so that it should be, whether the eighth section of the bill was consistent with the Constitution; which the other members of the Administration might answer affirmatively, assigning their reason, because they considered it applicable only to the Territorial States, while I could answer it also affirmatively, without annexing any qualification.

To this the President readily assented, and I as readily agreed. The questions are to be framed accordingly.

This occasion has remarkably manifested Crawford's feelings, and the continually kindling intenseness of his ambition. I have had information from the Governor of the State of Indiana that there is in that State a party countenanced and supported by Crawford, whose purpose it is to introduce slavery into that State, and there is reason to believe that the same project exists in Ohio and Illinois. This avowed opinion, that in defiance of the Ordinance of 1787, and of the laws admitting those States into the Union, slavery may be established in either of those States by an ordinary Act of its Legislature, strongly confirms the impressions of him communicated to me by the Governor of Indiana. It is apparent that Crawford is already aware how his canvass for the Presidency may be crossed by this slavery contest. The violence of its operation upon his temper is such that he could not suppress it.

After this meeting, I walked home with Calhoun, who said that the principles which I had avowed were just and noble; but that in the Southern country, whenever they were mentioned, they were always understood as applying only to white men. Domestic labor was confined to the blacks, and such was the prejudice, that if he, who was the most popular man in his district, were to keep a white servant in his house, his character and reputation would be irretrievably ruined.

I said that this confounding of the ideas of servitude and labor was one of the bad effects of slavery; but he thought it attended with many excellent consequences. It did not apply to all kinds of labor—not, for example, to farming. He himself had often held the plough; so had his father. Manufacturing and mechanical labor was not degrading. It was only manual labor—the proper work of slaves. No white person could descend to that. And it was the best guarantee to equality among the whites. It produced an unvarying level among them. It not only did not excite, but did not even admit of inequalities, by which one white man could domineer over another.

I told Calhoun I could not see things in the same light. It is, in truth, all perverted sentiment—mistaking labor for slavery, and dominion for freedom. The discussion of this Missouri question has betrayed the secret of their souls. In the abstract they admit that slavery is an evil, they disclaim all participation in the introduction of it, and cast it all upon the shoulders of our old Grandam Britain. But when probed to the quick upon it, they show at the bottom of their souls pride and vainglory in their condition of masterdom. They fancy themselves more generous and noble-hearted than the plain freemen who labor for subsistence. They look down upon the simplicity of a

Yankee's manners, because he has no habits of overbearing like theirs and cannot treat negroes like dogs. It is among the evils of slavery that it taints the very sources of moral principle. It establishes false estimates of virtue and vice; for what can be more false and heartless than this doctrine which makes the first and holiest rights of humanity to depend upon the color of the skin? It perverts human reason, and reduces man endowed with logical powers to maintain that slavery is sanctioned by the Christian religion, that slaves are happy and contented in their condition, that between master and slave there are ties of mutual attachment and affection, that the virtues of the master are refined and exalted by the degradation of the slave; while at the same time they vent execrations upon the slave-trade, curse Britain for having given them slaves, burn at the stake negroes convicted of crimes for the terror of the example, and writhe in agonies of fear at the very mention of human rights as applicable to men of color. The impression produced upon my mind by the progress of this discussion is, that the bargain between freedom and slavery contained in the Constitution of the United States is morally and politically vicious, inconsistent with the principles upon which alone our Revolution can be justified; cruel and oppressive, by riveting the chains of slavery, by pledging the faith of freedom to maintain and perpetuate the tyranny of the master; and grossly unequal and impolitic, by admitting that slaves are at once enemies to be kept in subjection, property to be secured or restored to their owners, and persons not to be represented themselves, but for whom their masters are privileged with nearly a double share of representation. The consequence has been that this slave representation has governed the Union. Benjamin portioned above his brethren has ravined as a wolf. In the morning he has devoured the prey, and at night he has divided the spoil. It would be no difficult matter to prove, by reviewing the history of the Union under this Constitution, that almost everything which has contributed to the honor and welfare of the nation has been accomplished in despite of them or forced upon them, and that everything unpropitious and dishonorable, including the blunders and follies of their adversaries, may be traced to them. I have favored this Missouri compromise, believing it to be all that could be effected under the present Constitution, and from extreme unwillingness to put the Union at hazard. But perhaps it would have been a wiser as well as a bolder course to have persisted in the restriction upon Missouri, till it should have terminated in a convention of the States to revise and amend the Constitution. This would have produced a new Union of thirteen or fourteen States unpolluted with slavery, with a great and glorious object to effect, namely, that of rallying to their standard the other States by the universal emancipation of their slaves. If the Union must be dissolved, slavery is precisely the question upon which it ought to break. For the present, however, this contest is laid asleep.[1]

4th. King apparently came to talk with me of the compromise and the Maine and Missouri bills. There were, however, so many persons present that he said but little. He is deeply mortified at the issue, and very naturally feels resentful at the imputations of the slave-holders, that his motives on this occasion have been merely of personal aggrandizement—"close ambition varnished o'er with zeal." This imputation of bad motives is one of the most envenomed weapons of political and indeed of every sort of controversy. It came originally from the devil: "Doth Job fear God for nought?" The selfish and the social passions are intermingled in the conduct of every man acting in a public capacity. It is right that they should be so, and it is no just cause of reproach to any man that in promoting to the utmost of his power the public good, he is desirous at the same time of promoting his own. There are, no doubt, hypocrites of humanity as well as of religion—men with cold hearts and warm professions, trading upon benevolence, and using justice and virtue as the stakes upon the turn of a card or the cast of a die. But this sort of profligacy belongs to a state of society more deeply corrupted than ours. Such characters are rare among us. Many of our public men have principles too pliable to popular impulse, but few are deliberately dishonest; and there is not a man in the Union of purer integrity than Rufus King.

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[1] This sleep lasted about twenty-eight years. The writer was sagacious enough to foresee that a compact resting upon no solid principle either in morals or politics could not be permanent. His own subsequent action will appear in the later portion of this publication. When this dispute reappeared in the form known as the Wilmot Proviso, he was no longer living. But an application was made to me by Mr. J. A. Dix, then holding a seat in the Senate of the United States, for any information I might be willing to furnish, from the papers entrusted to me by his last will, to revive the recollection of the mode in which the original compromise had been made. The result was a communication to him of the chief passages in this diary relating to the subject, as they now appear in the text. Mr. Dix made use of them, one consequence of which was a vehement denunciation by Mr. Lewis Cass, likewise a Senator at that time, as well of the author for writing such sentiments, as of myself for suffering them to be made public. His remarks may be found in a very elaborate speech, reported in the appendix to the Congressional Globe, volume xxii., part 1, pp. 58–73; a speech, it may be observed, which assumed as its basis a patriotic duty of discussing a subject like that, with its chief and most mischievous element carefully kept out of view. A quarter of a century has since passed away, and the barren argument of policy in the Globe fades away under the light of recent events. Meanwhile, the fearful problem presented by Mr. Adams has been solved, at a prodigious cost of blood and treasure, without paying the penalty of the disruption of the Union, which he held as inseparable from success.

5th. The President sent me yesterday the two questions in writing upon which he desired to have answers in writing, to be deposited in the Department of State. He wrote me that it would be in time if he should have the answers to-morrow. The first question is in general terms, as it was stated at the meeting on Friday. The second was modified to an enquiry whether the eighth section of the Missouri bill is consistent with the Constitution. To this I can without hesitation answer by a simple affirmative, and so, after some reflection, I concluded to answer both. It was said that in the hottest paroxysm of the Missouri question in the Senate, James Barbour, one of the Virginia Senators, was going round to all the free-State members and proposing to them to call a convention of the States to dissolve the Union, and agree upon the terms of separation and the mode of disposing of the public debt and of the lands, and make other necessary arrangements of disunion. Dana said he told him that he was not for calling a convention to separate, but he had no objection to a convention to form a more perfect union. I observed that I thought a convention might, in the course of a few years, be found necessary to remedy the great imperfections of the present system, and that it might be called whenever a majority of the people should become convinced of its necessity. I added that there were three subjects, each of which might produce a state of things issuing in such a necessity. One was, the regulation of the currency, banks, and paper money; another, the impotence of the National Government to make internal improvements by roads and canals; and the third was slavery. The idea that a majority of the people might hold a convention appeared to startle some of the gentlemen, and particularly Mr. Thompson. It is nevertheless sound Constitutional doctrine.

6th. Mr. George A. Otis came to me at the office, and kept me two hours talking of his translations of the Abbé de Pradt and of Botta's History of the American Revolution. I had lent him my French translation of Botta, and he now asked me for advice with regard to his own. He intimated the intention of writing an introduction to his translation—a plan which I thought might be executed in an interesting manner by a critical review of the other historians of the same period. There were historians of the American Revolution, British, American, and French, each of whom told the story in his own way. Botta was an Italian—of a nation entirely neutral to the war. It must be an interesting and instructive subject to compare the narratives of all these different writers, each of whom would naturally see the events in different lights and array them in different colors. I named to him Stedman, Andrews, Gordon, Ramsay, The Annual Register, Marshall's Life of Washington, Adolphus and Bissett's Reign of George the Third, and Soulés. He took minutes of the books; but of his competency to make the comparison the proof is yet to appear.

I took to the President's my answers to his two Constitutional questions, and he desired me to have them deposited in the Department, together with those of the other members of the Administration. They differed only as they assigned their reason for thinking the eighth section of the Missouri bill consistent with the Constitution, because they considered it as applying only to the territorial term; and I barely gave my opinion, without assigning for it any explanatory reason.[1] The President signed the Missouri bill this morning.

7th. Captain O'Brien came to the office to talk about his claims, and the final decision of the Missouri question, and the politics of Pennsylvania. The most remarkable circumstance in the history of this transaction is that it was ultimately carried against the opinions, wishes, and interests of the free States by the votes of their own members. They have a decided majority in both Houses of Congress, but lost the vote by disunion. The slave-holders clung together without losing one vote. Many of them, and almost all the Virginians, held out to the last even against the compromise. The cause of this closer union on the slavish side is, that the question affected the individual interest of every slave-holding member and of almost every one of his constituents. On the other side, individual interests were not implicated in the decision at all. The impulses were pure republican principle and the rights of human nature. The struggle for political power and geographical jealousy may fairly be supposed to have operated equally on both sides. The result affords an illustration of the remark, how much more keen and powerful the impulse is of personal interest than is that of any general consideration of benevolence or humanity.

9th. Samuel Lawrence Gouverneur, of New York, was this day married to Maria Hester Monroe, the President's youngest daughter. The parties are cousins by the mother's side, and Gouverneur has been nearly these two years in the President's family, acting as his private Secretary. There has been some further question of etiquette upon this occasion. The foreign Ministers were uncertain whether it was expected they should pay their compliments on the marriage or not, and Poletica, the Russian Minister, made the enquiry of Mrs. Adams. She applied to Mrs. Hay, the President's eldest daughter, who has lived in his house ever since he has been President, but never visits at the houses of any of the foreign Ministers, because their ladies did not pay her first visits. Mrs. Hay thought her younger sister could not receive and return visits which she herself could not reciprocate, and therefore that the foreign Ministers should take no notice of the marriage; which was accordingly communicated to them.

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[1] It is a singular circumstance that when, in consequence of the publication of this passage, search was made in the Department of State for these papers, nothing was found but what appeared to have been an envelope referring to them as enclosed.

I began the draft of an answer to a letter from James Pindall, Chairman of a committee of the House of Representatives, raised at his motion, to repeal or change the law for printing the Acts of Congress in the newspapers. The appointment of the printers, three in each State, now rests with the Secretary of State. Pindall patronized and earnestly recommended a partisan printer in his own district. A competitor of opposite politics happened to be more strongly recommended by the District Judge and Marshal and the Postmaster-General, and was appointed. So Pindall undertook to get the law repealed. He first moved for a committee to enquire, of which he was of course appointed Chairman. Then he moved for a list of all the printers appointed for the four last sessions of Congress, with an estimate of the expense. That being sent and referred to the committee, he now writes to enquire what has been for the two last years the expense of printing the laws in the pamphlet form, and *my opinion* whether the law ought to be repealed or modified. I showed Colvin the letter, who thought it a very insidious call for an opinion, and quite suited to bring down a hornets' nest of printers upon me throughout the Union. I did not suspect Mr. Pindall of such a design, but I saw the propriety of giving him a wary as well as an honest answer. This is a sample of Congressional canvassing on a small scale.

10th. With Mrs. Adams, I dined and spent the evening at Colonel Tayloe's, with a company at dinner of about twenty persons. Among the rest, Mr. Lowndes, Chairman of the Committee of Foreign Relations of the House of Representatives, was there. This committee made yesterday their report upon the part of the President's message at the commencement of the session concerning our affairs with Spain. It proposes an Act authorizing and requiring the President to take possession of Florida. This, instead of a discretionary power, which the President's message had proposed, is a positive injunction. Lowndes says it will not pass in Congress. It was carried by a bare majority of the committee, and I believe its real object was to help through the Military Appropriation bill, which labors in its passage through the House, and to give the go-by to motions for reducing the army.

The report itself has some very exceptionable features. It neither makes nor proposes any provision of indemnity for the claims upon Spain, and it countenances the idea that by taking possession, the contested grants of land must be recognized by the United States as valid,—intimating that for the indemnity to our citizens Spain must expect us to look westward. Lowndes is a man of fine talents, of good principles, of mild temper, and placid manners—grave, but cheerful, and always inoffensive. He is, or has been, independent in his fortune, and two years ago declined a choice of two missions, either to Constantinople or to Russia, which were offered to him by the President. He has more personal influence in the House of Representatives than any other member, and is generally friendly to the present Administration. But, as much of his influence rests upon the general impression of his independence, he is rather over-solicitous to maintain that reputation. To be very sure of standing erect, he leans a little backward. Supporting the Administration in the main, he is apt to seek for differences of detail. He joins in no factious opposition, but he loves to devise ways and means of his own. So, in this case, he proposes not what the President recommended, but a substitute; not a power which the Executive might have held up "in terrorem" in negotiation with Spain, and the very possession of which would probably have rendered its exercise unnecessary, but a positive direction to the President to take possession at all events. Lowndes, finding it doubtful whether either of the proposals would pass, produced one differing from that of the President, to manifest at all events his independence.

11th. Burrill came to press what are called the Stralsund claims upon the Swedish Government. I gave him a particular account of what had been done, and read to him Mr. Russell's last note to the Swedish Minister of Foreign Affairs, Count d'Engeström, concerning these claims, and the subsequent correspondence of C. Hughes relating to them. I observed that nothing would be more easy than to instruct Hughes to renew the demand of satisfaction, but it would certainly be fruitless, and it was hardly consistent with self-respect to invite renewals of heated altercations when plain and acknowledged justice had been so often and so earnestly invoked in vain. I read him Hughes's letter, stating what Rehausen told him—namely, that, according to the universal impression there, the whole proceeds of the Stralsund plunder had gone into the pockets of Engeström and Wetterstedt, the identical Ministers with whom the claims are to be discussed. He asked what could then be done for the claimants. I told him in my opinion nothing to any purpose—certainly nothing further by the Executive. Perhaps the best thing would be for him to move in Senate a call for the correspondence with the Swedish Government, and then, if they think any good purpose can be answered by unmasking a new diplomatic battery upon King Charles John's honest statesmen, the orders may be given to our engineer Hughes to open it without delay. He said he believed he would move for the call.

I took over to the President the dispatches from R. Rush and G. W. Campbell, and congratulated him upon the marriage of his daughter. He desired me to notify the other members of the Administration to meet at his house at one o'clock next Monday, to take into consideration the letter of Governor Clark, of Georgia, urging that treaties may be held with the Creek and Cherokee Indians, and also the cases of a number of pirates convicted and under sentence of death in various parts of the Union.

12th. I heard Dr. Allison, the Chaplain to the House of Representatives, at the Capitol. His discourse was from Acts xxiv. 25: "And as he reasoned of righteousness, temperance, and judgment to come, Felix trembled." But this text was too mighty for the Doctor's talent, which does not consist in preaching. The House of Representatives for several years past have annually chosen him their chaplain, rather as a sort of pension for having been chaplain in the army during our Revolutionary War, than for any shining spiritual gifts now in his possession. But he is said to have great skill and ingenuity in mechanics, and is a candidate for the Superintendency of the Patent Office if Dr. Thornton should be appointed Agent to South America; and both he and the Doctor reminded me, when they were applying for these places, that he was Vice-President of the General Association of Baptist Ministers throughout the United States, and in that capacity had great political influence over the whole body of Christians of that denomination, amounting, as Thornton said, to more than two millions of people. The Doctor is, therefore, a better patentee for this world than for the next.

13th. Mr.[1] was here this morning, the person some weeks since introduced to me by Judge Story, and one of the claimants upon the Government of Spain. He told me that the principal, if not the sole, reliance of those claimants for obtaining eventual indemnity for any part of their losses was upon me; that the Committee of Foreign Relations had reported a bill for taking possession of Florida without providing at all for the claims, and that many of the Northern members were very unwilling to vote for it in that shape. But the Northern members will not vote for taking possession of Florida at all. The Missouri question has sickened them of slave States, and, although at the commencement of the session they were ready to vote for the measures recommended by the President, they would now scarcely accept Florida as a gift.

At one o'clock I attended the Cabinet meeting at the President's. The first subject considered was the case of a number of pirates now under sentence of death at Baltimore, Richmond, Charleston, Savannah, and New Orleans—all cases of privateers under the South American colors. The whole number is forty-five. The opinion was unanimous that some of them must be executed, but that a large proportion of them should be reprieved. The papers relating to them were read, with a view to ascertain the individuals who, by any extenuating circumstances, might have any claim to be considered fit subjects for

[1] Left blank in the original.

mercy. A letter from Judge Johnson, who presided at the trials in Charleston and Savannah, sufficiently marked the discrimination to be made in those cases. There was a record of part of the evidence in the cases at New Orleans, from which one case of peculiar atrocity and one of strong mitigation were selected. There was an earnest petition in behalf of one of the men convicted at Richmond, and a recommendation in his favor by the District Attorney at Richmond. But the petition was from a brother of the culprit, living at Portland, Maine, and Crawford maintained there was nothing that recommended that case to favor more than any other. Stanard, the District Attorney, said in his letter that he had considered this man's case so much more favorably than the rest, that if the evidence had been otherwise deficient he should have discharged him and used him as a witness against the others. The most obvious feature in Crawford's character is decision, but, with strong sense, his opinions are sometimes so unaccountable that they surprise by their absurdity. He does not appear to be himself aware of the feelings which inspire them. He occasionally throws out opinions for the sake of making an argument; but in such cases I usually avoid taking it up. It was agreed that Mr. Wirt, the Attorney-General, should see Chief-Justice Marshall and enquire of him where the severity of the law and where the beneficence of humanity may best be dispensed. There was a petition from Baltimore, signed by the District Judge, Bland, and several others, praying for a pardon for all the seven convicted there; but there were no solid reasons assigned for the prayer, and the opinion in the Cabinet was unanimous that Baltimore was, of all others, the place where the necessity of making an example was the most urgent. Bland was not upon the bench when these men were tried, but he passed sentence of death upon them, and I know not how he looked in pronouncing it. In Dr. Franklin's fable of Polly Taylor,[1] the Judge on the bench, who convicts her of having had a bastard child, is the man by whom she was first seduced. If the pirates at Baltimore on receiving their sentence could have addressed the Court and told the whole truth, they could have disclosed a scene of darker shades than the story of Polly Taylor. There were two petitions from these men sentenced at Baltimore, evidently written by one of their lawyers, and in a very disgusting style of levity and insolence. It was concluded that the public justice and example required the execution of two at each place, and that the rest might be reprieved and ultimately pardoned. Some question was made by Mr. Crawford whether the power of the President extended to a commutation of punishment; but it was not determined, and should, I think, be taken up and deliberately decided hereafter. Wirt said the power of the King to commute punishment was exercised only by special statutes.

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[1] Baker.

The second subject discussed was the application from the Governor of Georgia for treaties to be held with the Creek and Cherokee Indians. Calhoun had expressed himself to me very much averse to the measure; he said, and now repeated, that those nations had lately made very extensive cessions, and with great reluctance; that the attempt now to obtain further cessions would certainly not succeed, unless we should bully them, and at a great expense. A treaty would cost fifty thousand dollars, and we should be obliged to pay very nearly the full value for the lands if we obtained them. To all this Crawford assented, but said there would be great dissatisfaction in the State if the application should be rejected. There was an expedient proposed of holding one of the treaties with the Creeks, the Cherokees being still more reluctant at making any further cession.

The President finally asked me what was my opinion. I said the United States were bound by compact with the State of Georgia to obtain the cessions as soon as possible, and my opinion was that we ought to do precisely what the State of Georgia asked us to do. It was accordingly so determined, and that a message should immediately be sent to Congress recommending that provision be made by law for holding the treaty.

There is in this affair, among other things, much of Georgia party politics. Clark, the present Governor, is an inveterate enemy of Crawford, and was chosen in opposition to Troup, who was Crawford's friend, and the candidate of his partisans. Clark now urges the holding of these treaties, and, in his letter to me, recommends, if the President should think that the citizens of Georgia are so much interested in the event, that persons from other States should be selected as Commissioners; that General Jackson should be one of them—adding that two-thirds of the people of Georgia would have more confidence in him than in any other man. This is a home-thrust at Crawford, whose deadly enmity with Jackson is now perfectly notorious, and to whom is attributed the whole persecution of Jackson on account of the Seminole War. Crawford would take no satisfaction in the success of Clark, or of Jackson, in rendering important and acceptable service to the people of Georgia. This disposition to thwart a personal enemy or rival, even at the sacrifice of the public interest, is a vice so deeply rooted in human nature that it shows itself in every form of Government, and in none more than in ours. It is, I firmly believe, the greatest obstacle to the performance of useful service. The meeting broke up about four o'clock.

This and to-morrow evening were assigned for receiving the visits of congratulation at the President's on the marriage of his daughter. Lieutenant Monroe called at my house, to say, as from the President, that he wished me to notify the foreign Ministers that they might pay, with their ladies, the wedding visit to Mr. and Mrs. Gouverneur, and that it would be returned; but that it must stop there. I was not at home; but it seems that Lieutenant Monroe had mistaken his message. I went with Mrs. Adams this evening to the wedding-party. The message was from the ladies, and to Mrs. Adams. But as she, in consequence of the conversation with Mrs. Hay last week, had already given notice to the Diplomatic Corps that they were not to know the President had a daughter married, it was finally concluded by Mrs. Monroe and Mrs. Hay to leave things as they are.

14th. An account, preceding the mail from New York, announced the arrival there of a vessel from Liverpool bringing the intelligence of the death of the British King, George the Third, and of the Duke of Kent. It had first been known here yesterday. The papers this day received confirmed it. The Duke of Kent died on the 24th of January, and the King the 29th of the same month. George the Third had reigned sixteen years the sovereign of this country. I suppose there are about half a million of souls in this Union who were once his subjects; four-fifths of that number born his subjects—of whom I was one. The forty-fourth year is revolving since the people of North America cast off their allegiance to him and declared their independence. Of the fifty-six signers of that instrument, only four are at this day numbered among the living—John Adams, of Massachusetts, my father, Thomas Jefferson, of Virginia, William Floyd, of New York, and Charles Carroll, of Carrollton, Maryland. The last ten years of the life of George the Third he has been kept in confinement at Windsor, in a state of mental alienation, blind, and perhaps deaf. Imagination can scarcely conceive a state of existence more calamitous, or a contrast more awful of the extremes of human grandeur and debasement in one person. George the Third was a man of good but ordinary capacity, possessed of many private virtues, and no vices but those incidental to a royal education. His reign has been a most tempestuous period in the history of the civilized world. His influence over it has been negative and inauspicious. As the great head and champion of the cause of existing institutions against all innovation, he has contributed to perpetuate abuses of the most pernicious character, to re-cement with human blood the ruinous and perishing edifice of feudality, and to prolong the deadly struggle between the absurd and artificial distinctions of hereditary rank and the tendencies of the age to the common level of democracy. The papers this day received give accounts also of a mutiny of troops in Spain which were destined to South America, and the consequences of which must be momentous.

18th. G. A. Otis was at the office. He is proceeding with his translation of Botta's History of the American Revolution, and borrows my French translation of it to take with him to Philadelphia. But his main object was to renew and urge his solicitation for a Consular appointment abroad, and particularly for that of Liverpool, from which he wished that Mr. Maury should be removed; not that he (Otis) would wish to supplant any man, but because Maury is an old man, and that the business of his office is, and for some time has been, transacted by his clerk, who is an Englishman.

There is something so gross and so repugnant to my feelings in this cormorant appetite for office, this barefaced and repeated effort to get an old and meritorious public servant turned out of place by a bankrupt to get into it, that it needed all my sense of the allowances to be made for sharp want and of the tenderness due to misfortune to suppress my indignation. He asked me if I would advise him to press these considerations personally upon the President; to which I barely answered no. He said he had asked Mr. Jonathan Russell his opinion whether it would be indelicate to suggest them, and Russell had told him they were facts which there could be no impropriety in stating. This is not the first sample I have had of Russell's morals connected with the pursuit of office. Otis is an office-hunter equally ravenous, and, like some other ravenous animals, has the gifts of fawning and of tears. But even with such persons no passionate manifestation of sentiment should be indulged; and this is the only way that I can understand as consistent the scriptural injunction, "Be ye angry and sin not!"

I this day received from J. Forsyth a dispatch of 3d January, with a postscript of the 10th. The Russian Chargé d'Affaires had interposed to prevail upon Forsyth not to leave Madrid, as he had threatened. A few days since, I received a dispatch from G. W. Campbell, reporting an interview with Count Nesselrode, the Russian Minister of Foreign Affairs, in which the Emperor's solicitude for the amicable arrangement of our differences with Spain was manifested, and Poletica has shown and read to me extracts of a dispatch from Nesselrode, and of private letters from Capo d'Istrias and Pozzo di Borgo to him, expressing the same sentiments, and earnestly dissuading us from taking measures of self-satisfaction. Gallatin's dispatches indicate the same wishes and advice from the French Government.

I took Forsyth's dispatch to the President, and suggested to him the question whether it would not be advisable to send a message to Congress communicating these facts and documents, and recommending to them to postpone acting upon the Florida questions till the next session. The motives for this measure are various, and among the rest is that of changing the position of the Executive in reference to the Legislature. It has become very awkward. Before the Florida Treaty was signed, Clay's tactics were to push the Executive, if possible, into a quarrel with Spain. As he did not play his game very skilfully, his impetuosity contributed to promote the conclusion of the treaty. Without involving the Executive as he intended, it alarmed Spain, and gave us argument to bring her to reasonable terms. When the treaty was signed, it was so generally considered as highly advantageous to the United States that it was considered very creditable to the Administration, and Clay, though he betrayed his ill will to it, yet dared not make any opposition against it. As soon as the question about the grants arose, Clay seized upon it as a means of defeating the treaty. Spain, by withholding the ratification beyond the stipulated period, has thrown away the bargain, and the United States are no longer bound to abide by it. In the course of the discussion with Spain it became necessary to show that Onis's instructions authorized him to have conceded more than he did. Upon which Clay immediately argues that more was conceded than Onis asked. At the commencement of the session the President proposed that a discretionary power should be given to the Executive to take possession of Florida and to indemnify the claimants upon Spain, as if the treaty had been ratified, from the Florida lands. The House manifested no disposition to comply with this proposal, and the Committee of Foreign Relations brought in a report requiring positively that Florida should be taken, and leaving the claims totally unprovided for. Clay's professed project was to set the treaty aside, to take the province of Texas, and recognize the South Americans; his real object was merely to defeat the treaty and do nothing. It has long been obvious that Congress would do nothing, and the danger to the Executive is, that by that termination of doing nothing the appearance to the world will be of dissension between the Executive and the Legislature, the worst of all possible positions for negotiating with the Spaniard when he comes. In the mean time, the Missouri question and its compromise have sharpened the greediness of the Southern interest for more Southern Territories to make more slave States, and given the Northern and Eastern interest a distaste even for Florida, because that would become another slave State. The new disturbances in Spain also threaten a revolution of the Government there, and put an end to all question as to the issue of the revolution in South America. The only powerful interest, therefore, that Spain had for settling her differences with us is disappearing. There is no prospect of the ratification of the treaty, and there is at this moment scarcely any great interest in this country that desires the ratification. Forsyth in his dispatch says that probably the Spanish Government wishes that we may take possession of Florida for the sake of having stronger ground for insisting on the confirmation of the grants, and the proposal of the Committee of Foreign Relations falls into this view as completely as if it had been drawn up by the Duke of Alagon himself.

I suggested most of these considerations to the President as motives for a message to Congress proposing to postpone measures of reprisal for the present. As this will unquestionably be the result, it will show the Executive and Legislature as at least not in direct opposition to each other. It will be an example of moderation and magnanimity to Spain in the time of her distress; of deference and regard to the wishes and advice of Russia and France; and of sound policy as relates to the internal state of our affairs. The President appeared to concur in these opinions generally, and asked me to put in writing such of them as I might think of particular moment, and to see him again on the subject next Monday.

19th. Attended church at Mr. McCormick's. He read the service for the fifth Sunday in Lent, and preached from Mark ix. 43-48, enjoining that the offending hand or foot should be cut off and the offending eye plucked out. Like all the sermons which Mr. McCormick reads, this discourse was sensible, ingenious, and well written—sound morals, without doctrinal speculation and without enthusiasm. This text, and the context from the thirty-third verse to the end of the chapter, afford an admirable theme for contemplation upon the Christian morality and the duty of suppressing envious emulation, for it is the discourse of Jesus upon the question which arose among his disciples who should be greatest. Mr. McCormick's sermon did not consider it in this light. It generalized the precepts of the text. But this injunction, thrice repeated, to sacrifice the most precious and useful members of one's own body rather than retain them and go to hell, where their worm dieth not and the fire is not quenched—this sacrifice to be salted with fire, concluding with the command, "Have salt in yourselves, and have peace one with another,"—what is it but the proof of the deep solemnity with which the founder of the Christian system warned his disciples against the passion of self-aggrandizement! And what admirable illustrations of the torments of envious ambition are the worm that never dies and the unquenchable fire! How appropriate the charge to cut off one's own hand or foot, and pluck out one's own eyes, the prompters to usurping desire to rise above our equals, rather than indulge their propensities of encroachment! There are diseases in which the patient must administer to himself. It is himself that his hand or his foot or his eye offends when it urges him to aspire above his peers. It is from himself that the control over these ravenous passions must proceed. The hand, the foot, and the eye were given to man to provide for the necessities of his own nature, and not to enable him to lord it over others; and when, forsaking their natural uses, they are employed to raise dominion over equal brethren and to seek or wield the rod of oppression, the time is come when they ought to be severed from the body to which they belong, by its own act, and cast away. At this moment I see the worm that never dies at work, and the fire that is not quenched is burning. But I must forbear.

Mr. D. Brent called at my house, and Mr. R. B. Lee, who came to solicit the appointment of Collector of the Customs at the port of Alexandria. He told me that he was one of the members of Congress who, after voting against the assumption of the State debts, had come round and voted for it on condition that another member, who had voted against the fixing of this District as the permanent residence of Congress, should also come round and vote for it. This was one of the compromises of those times.

20th. I wrote a few observations on the proposal I had made to the President last Saturday, to send a message to Congress recommending a postponement of the measures for occupying Florida to the next session. The day was rainy, so that I was without interruption at the office. I took my paper over to the President, but found him doubtful with regard to the expediency of the measure. It seemed as if he had been consulting some person who had urged objections against it. The grounds of objection are obvious. The measure is one of considerable delicacy. But it is a safe measure, and the omission to take it would be more than hazardous. I therefore discussed it again with the President, and answered as well as I could his difficulties. He finally determined to consult all the members of the Administration upon it, and asked me to notify a meeting of them at one o'clock to-morrow, which I did.

21st. I was obliged to attend the meeting at the President's, where I found Mr. Crawford and Mr. Wirt. Mr. Calhoun soon afterwards came. The President had made a draft of a message to Congress recommending the postponement of proceedings relative to Spain and Florida to the next session. It referred to the dispatches last received from J. Forsyth and G. W. Campbell; to the interposition of the Russian Chargé d'Affaires at Madrid to prevail upon Forsyth not to go away, as he had threatened and intended; to the good offices of Russia and France and Great Britain to induce the ratification of the treaty by Spain; to the wishes expressed by them both that the United States should take no measures of reprisal, at least without first waiting for the Spanish Minister, who is to come and ask for explanations; and to the distressed situation of Spain, which makes forbearance the dictate of a magnanimous policy; concluding with the remark that our position for asserting our right by our own force will not be impaired by the proposed delay.

Crawford declared himself in favor of the measure more frankly and explicitly than I expected, though he saw, and with us all remarked, that it was subject to much misconception and misrepresentation. Wirt's opinion, as usual, was not opposed to that of the President; the only objector, and quite to my surprise, was Calhoun. First, he said, it was a change of ground from what the President had recommended at the commencement of the session, for which change neither the interposition of Russia and France, nor their wishes, nor the new distresses of Spain, afforded sufficient motives. The dispositions and wishes of Russia were indeed not so strongly marked in the dispatch from Mr. Campbell as in the letters from Count Nesselrode, Capo d'Istrias, and Pozzo di Borgo to Poletica, which he had confidentially read to me, but which could not be communicated to Congress, and which rested only upon my report. The popular feeling would be jealous of every appearance of yielding to the interference of any foreign power, and any expression of compassion for the distressed condition of Spain might be understood as discountenancing the insurrection which has lately broken out in the expeditionary army near Cadiz, which ought most cautiously to be avoided; that as to any compassion for Spain, we were neither bound to feel it nor should we get credit for it if we did. Instead of a motive to forbearance, the new difficulties of the Spanish Government rather should confirm us in the purpose of doing justice to ourselves, as it took at once from Spain both the power of resistance and the disposition of resentment against us. Calhoun, after enlarging in this strain of argument, still professed to submit these ideas with diffidence.

Crawford replied, admitting that they were of great weight, but said that although there might be great objections to avowing publicly any deference for the wishes and opinions of other powers, yet it was wise and proper to show such deference. It was with nations as with individuals. A man might profess to be perfectly independent, and to set at naught the opinions and wishes of others; but he could not get along without soon finding the inconvenience to himself of such a system. And so with nations. However sturdily they may adhere to their independence, they will not find it good policy to set the opinions and wishes of other nations at defiance. He also thought the distressed condition of the Spanish Government was a circumstance of considerable weight to urge forbearance on our part. He knew it was the feeling of several members of Congress, and named particularly Mr. Walker, of Alabama, as having expressed the sentiment to him.

I added that this motive appeared to me to be of great power; perhaps of itself sufficient to justify the whole change. As a real motive it was magnanimous; and true magnanimity was, in my opinion, the highest wisdom of a nation. Nor had I any doubt that we should get some credit for it—not indeed in the opinions or acknowledgment of our envious enemies, but in that of all those who are disposed to befriend us. So, too, we should get credit from Russia and France for manifesting and avowing a deference for their opinions and wishes. They could have no motive for disbelieving us, and, as it would flatter them in the estimate of their own importance, they would easily give credence to our assertion. The general disposition of the power towards us, and the particular spirit with which their wishes were manifested, were also very material in estimating the propriety of conciliating them with compliance. The general disposition of France and Russia towards us was friendly. Their wishes were that Spain should do us justice and ratify the treaty. Their advice to us was in favor of peace—of our own peace with Spain, and of the general peace of Europe, in which they are all interested. There was a material difference between a wish manifested by such a power and in such a manner, and the wish of a malevolent power expressed in a dictatorial or menacing manner. To such a manifestation I would not only show no deference, but would at once meet it with the most determined resistance. Calhoun readily admitted this difference. I said that as to a change of policy on the part of the Executive, there was in reality none. The President had recommended at the commencement of the session that a discretionary power should be given to take Florida and indemnify the claimants, as the treaty had provided; but to wait for the Minister who is to come for explanations, if he should arrive during the session of Congress. But Congress had not given that discretionary power; the Minister had not arrived, but Forsyth says may be expected in May, and Gallatin says not till after the close of the session of Congress. The Committee of Foreign Relations have reported a bill positively requiring the President to take possession of Florida; admitting in their report that in that case the contested grants will all be good against the United States, and proposing to look westward of the Sabine for future satisfaction of the claims. Forsyth intimates as probable that this is precisely what the Spanish Government wishes; that we should take possession, and thus strengthen their claim to the confirmation of the grants. If the bill proposed by the Committee of Foreign Relations passes, it will play the game into the hands of Spain. If it fails, Congress will do nothing; but the session will terminate leaving to the world and to the expected Spanish negotiator the appearance of disagreement between the Executive and the Legislature—a disagreement, too, after long and violent debates, which cannot fail to arise on the proposed bill. The debates may perhaps take place, notwithstanding the message should be sent; but the vote in the end will agree with the President's recommendation. The Executive and Legislature will harmonize together, and all our resources for negotiation with the coming Spaniard will remain unimpaired. These arguments, entirely decisive to my mind, were not satisfactory to Calhoun: he seemed apprehensive that the Executive would come in collision with the Committee of Foreign Relations, and there was some question whether the Emperor of Russia himself would be pleased to have his name used in the message. The President finally determined that I should take the draft of the message and show it to Mr. Lowndes, the Chairman of the Committee of Foreign Relations, and to Mr. Poletica, the Russian Minister, and after hearing their opinions of the measure it should be determined by another Administration meeting whether the message should be sent or not.

22d. Before I left my house this morning to go to my office, W. S. Smith came in and told me that Commodore Decatur had just been brought in from Bladensburg, mortally wounded in a duel with Commodore James Barron, who was also upon every person concerned in the making of it. He said he would show me the letters to-morrow.

I called at the President's, and he gave me the draft of a message to Congress, with authority to show it to Poletica and to Mr. Lowndes, Chairman of the Committee of Foreign Relations, whom he requested me to see and consult.

23d. The hour of meeting of the House of Representatives having nearly passed this morning, and Mr. Lowndes not having called at my house, I went to his. He was in the neighborhood, at Mr. Seaton's, making arrangements for the funeral of Mr. Calhoun's child. I called for him there, and he returned with me to his house. I read to him the draft of a message prepared by the President to be sent to Congress upon the affairs of Spain and Florida, and told him that the President had directed me to consult him with regard to the expediency of sending it. He gave no distinct opinion, but from the tenor of his remarks I concluded that the message would rather meet than oppose his views. He said that he was prepared to support the bill reported by the Committee of Foreign Relations, though he had no expectation that it would pass; and if the message should be sent, he would wish it to come in soon, before the Military Appropriation bill shall have been finally acted upon, because it had been very unjustly said in the House, and he had repelled the suggestion, that the object of the report and bill of the committee had only been to get through the military appropriations without retrenchment.

I observed to Mr. Lowndes that the report of the committee appeared to admit that if we should take possession of Florida without the ratification of the treaty, we should be bound to recognize the contested grants as valid; in which case the claims of indemnity would remain totally unprovided for. He admitted that the report might bear that construction, but said it was not intended. The intention merely was to signify to Spain that if, by the validity of the grants, the fund from which the claims were to be indemnified should fail, we should then look westward of the Sabine for the necessary substitute.

Mr. Poletica called at my office, and showed me again the dispatch which he has received from Count Nesselrode, and the letters from Capo d'Istrias and Pozzo di Borgo, concerning our Spanish affairs. I asked him if he was willing to let me have copies of the passages in them relating to that subject. He said that the dispatch being public and official, he did not think he could refuse me a copy of it; the extracts from the private letters he should give me in confidence. He also showed me the letters which have passed between him and La Serna, which he had mentioned to me yesterday. After having made these communications to Poletica, I thought it necessary to show the same attention to the French Minister, and sent a note to him requesting him to call at my office; he came, and I read to him the draft of the message, with which he also declared himself to be highly gratified. At the President's, I informed him of the sentiments expressed by the French and Russian Ministers with regard to the proposed message, and told him that I had again seen the dispatch and letters to Poletica, which fully warranted what I had said of them; that he had also promised me copies of them in confidence. The President said he would then send the message without calling another Cabinet meeting.

24th. The French Minister had given a public invitation in the newspapers requesting the attendance of public characters at the Roman Catholic Church of St. Patrick's at ten o'clock, this morning, a funeral solemnity for the Duke de Berri; and he and Madame De Neuville had also sent a special invitation to Mrs. Adams and me, and we went. The church was crowded to overflowing. The ceremony was nearly three hours long, and a funeral discourse at once judicious and eloquent was delivered by an Irish Jesuit named Father Kenny. With some peculiarities of manner rather unpleasant, an occasional appearance of choking, as if his words were too big for the passage of his throat, an occasional bracing back of his surplice-sleeves, reminding one of a butcher baring his arms to stick a bullock, his language was refined and elegant, his sentiments pious, benevolent, and appropriate to the occasion; his notices of the murdered Prince suitable and unaffected, without exaggeration or servility; his allusions to the particular incidents of the atrocious crime ingenious and pathetic. He closed, however, with a professional and somewhat commonplace invective against the infidel philosophy of the age.

After the service was over, I went to my office; and attended the funeral of Decatur. There were said to be ten thousand persons assembled. An order of procession had been announced in the newspapers, and was inverted at the house. The procession walked to Kalorama, where the body was deposited in the family vault of the Barlows. A very short prayer was made at the vault by Dr. Hunter, and a volley of musketry from a detachment of the Marine Corps closed the ceremony over the earthly remains of a spirit as kindly, as generous, and as dauntless as breathed in this nation, or on this earth. I walked with Mr. Crawford.

John Randolph was there; first walking, then backing his horse, then calling for his phaeton, and lastly crowding up to the vault as the coffin was removed into it from the hearse—tricksy humors to make himself conspicuous. Yesterday he made a motion in the House of Representatives that the House should adjourn over this day to attend Decatur's funeral, and that the members should wear crape to honor his memory. John W. Taylor opposed the motion, professing great respect for Decatur's character, but disapproving the manner of his death. The House rejected Randolph's motion, and one which he immediately afterwards made to adjourn. This day he repeated the motion to adjourn to attend the funeral, which was again rejected. This feeble and negative censure upon the practice of duelling is all that can be obtained from Congress.

25th. Colonel R. M. Johnson came to enquire about the Agencies to South America. Torres and Forsyth and Thornton and Duane fasten upon him to promote each his own views, while Worthington, B. Irvine, and W. D. Robinson are all groping in passages underground, continually crossing one another, and all masking interested projects under the garb of South American patriotism.

Mr. King had a conversation with me of two hours upon various public concerns. He says our finances are in a very bad condition; much worse than they have been represented by the Secretary of the Treasury, of whose currency report, as it is called, he spoke with great contempt.

I observed that the resolution of the House of Representatives upon which that report was prepared had an insidious aspect, and had led me to the suspicion that John C. Spencer, a shrewd and warm partisan of De Witt Clinton, who introduced it, had among his motives that of ensnaring Crawford, the rival candidate for the future Presidency against Clinton, into the disclosure of some doctrine which would affect his popularity. The report seemed also aware of such a design, and its character most strongly marked was that of avoiding commitment upon every important question belonging to the subject. King said Spencer might have had such an intention, and certainly the result had been to show that Crawford was quite incompetent to the emergency to which our fiscal affairs are infallibly verging. The only merit of the report was that it discouraged paper money; so far it was good, but it was not a subject upon which a doubt could be tolerable. The rest was commonplace, culled from the statistic and economic pamphlets of the last century; sometimes by the page at a time. Every important point was evaded. Nothing useful, or even ingenious, was proposed. A base metal coinage, questionable in its policy, was the only project proposed, and the end would be the indispensable necessity of a loan.

King talked much also of the contested election now approaching in New York between De Witt Clinton, the present Governor, for re-election, and D. D. Tompkins, now Vice-President, who, it seems, prefers returning to the State Government. Both parties have been anxious to obtain the support of King, whose influence it is supposed would carry many federal votes. But he avoids taking a decided part in favor of either side. The objections against Clinton are political tergiversations, intrigues, caballing, and insatiable ambition. Those against Tompkins are that his accounts as formerly Governor of New York are unsettled, and that a large balance stands against him, for the expenditure of which he can produce no vouchers. They are both men of talents, and from early youth have been in a succession of important public offices; Clinton supported by an aristocratic name and hereditary family influence, and Tompkins by extreme popularity of manners and deportment. Tompkins's politics have always been moderate and consistent. Clinton's have been sometimes violent, and always changeable. His own aggrandizement has been the only test of his party attachments, and he has, consequently, been a mere man of coalitions. King, who, by his position in the State of New York, has been occasionally the rival and antagonist of both, has now a delicate and difficult course to steer between them. They are both his juniors, as well in age as in public service, by at least ten years, and both have stood and yet stand in his way. King is one of the men who have been held up as candidates for the Presidency, and certainly one of the men the most qualified for it in the Union. He has had many vicissitudes of political fortune, ebbs and floods of the tide of popularity. He has been more than thirty years in the first line of American statesmen, and lives in continual expectation of a chance which may raise him to the summit of our public edifice. It can but be favorable to him that Clinton and Tompkins should, by their competition, keep each other down, and it would not suit his views to give strength or permanency to the triumph of either. One of Clinton's partisans, some months since, very indiscreetly boasted that King had expressed himself decisively in favor of his re-election. This was immediately denied, and was followed by a discussion in the newspapers, at the close of which King authorized a disclaimer of it in the New York Evening Post. On the other hand, King told me that the Secretary of the Navy, whose son married the Vice-President's eldest daughter, had solicited him to declare himself in favor of Tompkins, which he had declined for two reasons: one, because Tompkins had not been explicit in his conduct on the late slavery question, and the other, that his accounts ought to be settled before he could stand fair as a candidate for the office of Governor.

King told me also that he had last summer purchased some shares in the United States Bank for the sake of assisting them in their difficulties, and had attended the meeting of the stockholders at Philadelphia in November. He intimated that it was by his influence that the meeting had passed off with resolutions supporting the course of the President, L. Cheves, but that it would still meet with great and many difficulties; and said that immediately after his re-election as Senator he had sold out all his bank stock again, to be wholly unshackled by any private interest in it while he might be called to act upon it in his public station. He thinks, as I have long thought, that the Government is the party most interested in the continuance of the bank, and that the interest of the stockholders would be to surrender their charter.

I went to the President's, and took with me the papers furnished me by Poletica—copies of the extracts of letters to him on our Spanish affairs. The President then asked me whether it would not be better for him to strike out that paragraph of the message which mentioned the wishes expressed by the Russian and French Governments, that we should abstain from all forcible measures and wait to hear the expected Spanish Minister. I told him that, after all the reflection I could give to the subject, my opinion was that it would be best to retain the paragraph. It would certainly excite some censure in Congress and some in the country; but the manifestation of that very censure would strengthen the Executive in the negotiation and have a favorable counter-effect in Europe. The interposition was of a character justifiable in itself, and the jealousy against it was over-sensitive. For as a war between us and Spain could scarcely fail to kindle a war in Europe which would involve both France and Russia, they had a strong interest of their own in the event, which gave them a right at least to advise peace. The President concluded to retain the paragraph, and desired me to have two copies of the documents to be transmitted with the message ready to be sent to Congress on Monday; and to ascertain from Poletica whether he was willing that a translation of the extract from Nesselrode's dispatch to him should be communicated with the other papers.

27th. I had received a note from Mr. James Brown, Chairman of a committee of the Senate to whom had been referred two resolutions offered by Mr. King, of New York, proposing further prohibitions of the commercial intercourse between the

United States and the British Colonies, to attend the committee at ten o'clock this morning. I was there accordingly. The committee consisted of Messrs. Brown, Barbour, Hunter, Macon, and Walker, of Georgia. The Secretary of the Treasury was also there at the request of the committee, and Mr. King himself attended. The object of the committee was to ask for information with respect to the operation of the Navigation Act of April, 1818—also concerning the effect of the French tariff of duties upon our shipping; and the opinions of Mr. Crawford and myself upon the expediency of extending the prohibitions to the British Colonies which are yet open, and to pass countervailing duties to meet the French oppressive discrimination between importations in French or in American vessels. The opinions both of Mr. Crawford and myself were in favor of both these measures. There appeared no decided aversion to their adoption in the committee. Mr. Macon, who is a sort of political Walter Shandy, expressed, however, some doubts whether the people in the United States, interested in the trade to be affected by the prohibitions, would have the firmness and perseverance necessary for allowing them to produce their full effect upon the adverse party; that we might rely upon it this effect would not be speedily produced; that Great Britain especially was not going to give up in this contest within one, two, or three years—Great Britain and the other European powers would wait to see how we should get along with our own concerns. During the whole discussion of the Missouri question, every one of the Ministers from all the European powers residing here was attending the debate as constantly as he himself did, and he was not absent from it an hour. They were not there for nothing. He had no doubt every one of them had reported to his Government what had passed; and the consequence would be that Great Britain, and France too, would be in no haste to yield to us upon any point of difference which we have with them. Great Britain, especially upon commercial affairs, was not a yielding power. Her Colonial system was nearly two hundred years old. We had been struggling against it ever since the acknowledgment of our independence, and we might be sure we should not now bring her to our terms in the course of a few months. It would be better, therefore, to abandon even the restrictions which we have already laid than to increase them, if, after all, they will bear upon our own people so severely as to disgust them; for in that case we shall lose character by retracting, and shall never be able to renew the contest.

I concurred entirely with Mr. Macon, that we must not expect that either France or Great Britain would soon or easily be brought to terms; that their giving up at all, and in any degree, would depend upon the success of our measures, which are, and necessarily must be, experimental. It was, however, certain that in the case of the Gypsum Laws, Great Britain had yielded completely to a pressure like that now proposed, and if upon the trial she should now find it for her interest, I had no doubt she would yield again. It was true that this conflict had arisen immediately after the acknowledgment of our independence, but it was equally true that we had never until now had the opportunity of trying our strength by countervailing laws. The Congress of the Confederation had no authority to regulate commerce, and no concurrence of the States could be obtained to concert countervailing regulations. Massachusetts attempted a Navigation Act, which only threw all her trade into the ports of the neighboring States. The French Revolution broke out the same year that the present Constitution of the United States was adopted. The Revolutionary Wars immediately followed, during which the Colonial system of Great Britain was suspended, and so continued until the Peace of 1815. It was then renewed, and only since then that we have had occasion to oppose it. I then related the substance of a letter lately received from R. Rush, showing that the Navigation Act of 1818 had already produced a considerable effect, and was likely to produce still more; and mentioned the reports received from R. Maury, the Consul at Liverpool, from which it appears that nearly all our direct trade with England is now carried on in American vessels.

Mr. Crawford's information was of the same complexion. He was asked whether the proposed prohibitions would not have an unfavorable effect upon the revenue, and said he thought not. The trade would be carried on to as great an extent as heretofore, but it would be through the medium of the Swedish or Danish islands. Some questions were asked as to the expediency or practicability of preventing the smuggling trade on the northern frontier with Canada; but it was supposed it would not be considerable, and the prevention of it was considered as hopeless. Some difficulties were also anticipated as to the means of preventing frauds in the proof of origin of the restricted articles; but experience indicated that this object could be secured to a competent extent by regulation. Almost all the papers received at the Departments and bearing upon the enquiry were in the hands of the Chairman of the Committee of Commerce of the House of Representatives, who was absent from the city, and the papers could not now be obtained.

We left the committee in session, and I went into the House of Representatives, where they were debating at the third reading Pindell's bill for reducing to twenty-five the number of newspapers in which the laws are to be printed. The question upon the passage of the bill was taken by yeas and nays, and carried —seventy-nine to seventy-seven. The Clerk had recorded the votes seventy-seven to seventy-nine; but two of the members who had been entered in the negative changed their votes.

While I was there, the message from the President upon Spanish affairs and Florida was brought in and read. G. Hay was sitting by my side. Archer, the new member from Virginia, immediately came up to me, and asked whether, if Spain should now ratify the treaty, it would not be necessary to have it laid again before the Senate. I said I supposed not. He said he was sorry for it. In his opinion it was the worst treaty the country had ever made. Hay asked him why. Because we should get by it nothing but Florida, and gave away for it a country worth fifty times as much. I asked him if he had examined the validity of our title to the valuable country of which he spoke. He said, no. I told him he would find it weak; and rather a claim than a title. Hay said that there had been on our side a strong argument and a weak title. Archer did not reply.

Mr. E. B. Caldwell was here this morning. I asked him something about a very extraordinary sally of Judge Johnson's on the Bench, at the close of the late session of the Supreme Court here, in which he had indulged himself in sharp reflections upon the Executive Government, the Attorney-General, and, among others, upon me. He spoke, it was said, in great passion, and threatened to publish his speech, but afterwards thought better of it. Caldwell said that he had not remarked in it any allusion to me; and if there was any, it had been in very general terms, as the counsel on both sides in the argument had referred to an opinion said to have been expressed by me on the question at issue. This Judge Johnson is a man of considerable talents and law knowledge, but a restless, turbulent, hot-headed, politician caballing Judge. He has been an ardent canvasser for Crawford, and, though a Judge flaringly independent, a place-hunter for himself and his brother, a carpenter in Charleston. He obtained, through Crawford's influence, the appointment of Collector for the port of Charleston, kept it two or three months, in doubt whether he would accept it or not, and then declined, attempting to bargain his brother into it in his place. This is the man whose judicial virtue was so much alarmed at the suspicion of Executive interference with his duties. Termagant virtue!

28th. I had visits from Manuel Torres, who now styles himself Chargé d'Affaires from the Republic of Colombia, and who came for an answer to his memoir asking for a sale of arms, upon credit, to the Government of his country. He told me that he expected here every day Mr. Zea, the Vice-President of the Republic, with Mr. Salazar, both men of great merit; that Zea had important proposals to make to the Government of the United States; that he would show there was a good understanding and concert between the Government of Colombia and the leaders of the insurrection now prevalent in Spain. It would be proved by letters from the organic Revolutionary Committee residing at Gibraltar. He said also that he supposed Bolivar and the patriots had by this time possession of Carthagena, and that Morillo had been obliged to abandon the country; in which case he further predicted that the Revolution would again appear triumphant in Mexico, with the

Viceroy Apodaca himself at its head. It is likely there is in all this some exaggeration, but the union of Venezuela and New Granada certainly now presents the most remarkable and the most powerful of the revolutionary South American Governments. I told Torres that I would take the President's directions, and send him an answer to his memoir, but that, to deal candidly with him, I apprehended there was a want of authority in the Executive Government to dispose of arms belonging to the public, to the purposes for which he wanted them, without the sanction of Congress. He appeared to be fully aware of this objection, and to have expected it. He said he only wanted an answer to send to his Government. I repeated to the President the substance of what Torres had told me, and he determined to take the opinion of all the members of the Administration upon the proposal for the purchase of arms, and desired me to notify a meeting at his house to-morrow at one o'clock.

Captain Partridge was also at my office, and his object was to urge the necessity of continuing the Agent to the Commission under the fifth article of the Treaty of Ghent. Under the sixth and seventh articles, Colonel Hawkins has been worse than useless, and the expenditure for his salary and contingencies has really been a waste of the public money. Congress has been long dissatisfied with the management of that Commission, and they have now struck out of the General Appropriation bill the sum estimated for the salaries of the Agents under both the Commissions. Partridge came to say that he had himself been employed last summer in the surveys of the Commission under the fifth article, and that the surveys of the Agent, Bradley, had been, and would continue to be, highly important; that the Commissioners would be called to decide which of two positions was the place described in the Treaty of 1783 as the highlands dividing the waters that flow into the Atlantic from the waters that flow into the St. Lawrence; that this would be a subject of argument and discussion before the Commissioners, for which Bradley had made laborious preparation. The question, too, whether Rouse's Point is in the State of New York or in Canada, is another object to be settled upon argument by that Commission. I mentioned all this to the President, who requested me to see the Chairman of the committee of the Senate to whom the General Appropriation bill is referred, and to obtain the restoration at least of the item for the salary of the Agent to the Commission under the fifth article, and, if possible, to get the other Agency restored also, as he was disposed to nominate Major Vandeventer for it. I mentioned these wishes of the President to Mr. Sanford, who is the Chairman of the Senate's committee, and who was this evening at my house.

29th. I attended at one o'clock the meeting at the President's. Messrs. Crawford, Calhoun, and Thompson, the Secretary of the Navy, were there, the latter having returned on the 23d from New York. He walked in the procession at Decatur's funeral. Wirt was not at the meeting this day, being confined, unwell, at home. The President proposed for consideration the question, upon the proposal of Manuel Torres, that the Government should sell upon credit to the Republic of Colombia any number short of twenty thousand stand of arms, to enable them to extend the South American Revolution into Peru and Mexico. By one of those back-stair proceedings which I often feel without seeing, a report has been made from the Ordnance Department to the Secretary of War, just at the critical moment, that there are some thousand stand of English arms which might with advantage to the public service be sold. In all this General Mason, of Georgetown, and Colonel Bomford, of the Ordnance Department, have some concern. At first it was said there were eight thousand stand, then it was reduced to four, and now, Calhoun says, not more than two thousand. Duane knew all this when he wrote his place-hunting letters to Colonel R. M. Johnson, for he wants to smuggle a commission of five per cent. out of the transaction for himself. To this complexion ninety-nine-hundredths of the South American patriotism, and which has for these three years been flaunting in such gorgeous colors in this country, must come at last!

Well; the question was first discussed whether the Executive could sell at all, without a special authority from Congress, arms belonging to the public. This was principally between Mr.

Crawford and Mr. Calhoun. The right of the Executive to sell was maintained by Calhoun, entirely upon the ground of usage, and yet he adduced no well-authenticated precedent of a sale without a special authority by law. This conversation came to no determinate results. There was reference to a certain *loan* of gunpowder which was made by this same Ordnance Department in 1816, which was afterwards worked into an exchange, then into a purchase, and finally became a total loss to the public; and it actually went to these same South Americans, who, with the richest mines in the world, now want arms upon credit, and offer to furnish specie hereafter for arms to be delivered now. This gunpowder plot shows, to be sure, how the Executive may dispose of public ammunition (and why not arms?) without authority from Congress. But, unluckily, during this very session this *loan* of gunpowder has been made a subject of enquiry by Congress, and, although no vote of censure has passed upon it, it has left a slimy track of public opinion behind. But upon the back of this detection it would not be safe to make an experiment of selling upon credit arms to carry the South American Revolution into Peru and Mexico.

There was a strong wish expressed by Calhoun and Thompson that we might furnish these arms if we could. Crawford was less explicit and more shy. I gave no opinion till directly appealed to by him—observing that it was a question particularly involving the Foreign Relations, and of the resort of the Department of State. What says Mr. Adams?

I said there was no hesitation in my mind. To supply the arms professedly for the purpose set forth in the memorial of Torres would be a direct departure from neutrality, an act of absolute hostility to Spain, for which the Executive was not competent, by the Constitution, without the authority of Congress. This was enough for me. But I would go further. It would, in my opinion, be not only an act of war, but of wrongful and dishonorable war, committed in the midst of professions of neutrality. It would also be as impolitic as wrongful and unconstitutional. Neutrality to foreign wars had, from the establishment of the Constitution of the United States, been justly and wisely fixed as the permanent policy of this nation.

It was of the utmost importance to adhere inflexibly to that system. Between it and that of mingling in every European national war I saw no middle term; and if we once departed from it, I saw no other prospect for this nation than a career of washing their blood-stained hands in blood. Upon every principle, therefore, of right, of justice, of policy, and of humanity, I was opposed to the measure.

There was thenceforth not a word said in its favor. Crawford intimated to me that he did not agree with me as to its being an act of war. Thompson asked him what he would say if the same application should be made by the other party—Spain; to which he replied, laughing, that he should certainly reject it. At all events, he said, it was a measure not expedient to be taken without the concurrence of the legislature. Calhoun was most struck with the constitutional difficulty, and thought the refusal ought to be put upon that point. The decision was unanimous that the proposal could not be complied with, and I am to answer Mr. Torres accordingly.

A remark that I have occasion frequently to make is, that *moral* considerations seldom appear to have much weight in the minds of our statesmen, unless connected with popular feelings. The dishonorable feature of giving secret aid to the revolutionists, while openly professing neutrality, was barely not denied. The President admits it. No one else seems to think that it ought to stand in the way of measures otherwise expedient, especially if supported by popular prejudice. My own deliberate opinion is, that the more of pure moral principle is carried into the policy and conduct of a Government, the wiser and more profound will that policy be. If it is not the uniform course of human events that virtue should be crowned with success, it is at least the uniform will of Heaven that virtue should be the duty of man. There is one event to the righteous and to the wicked. Time and chance happeneth to them all. So says Divine Revelation, and so proves constant experience. The path of virtue is, indeed, not always clear, and in the complication of human affairs artifice and simulation itself must occasionally be practised. The sternest moralists allow it in time of war, and there may perhaps be occasions when it is justifiable in contemplation of war, or defensively against deceptions of the same kind. But it may, I believe, be laid down as an universal maxim that *fraud* is never justifiable where *force* would not be equally justifiable to effect the same object. Fraud is, therefore, a weapon essentially belonging to the relations of war, and in them to be very sparingly resorted to; for every instance of it, even when justifiable, tends when discovered to impair the confidence of mankind in the sincerity and integrity of him who uses it.

30th. Visits from the Viscount de Quabeck, Chargé d'Affaires from the kingdom of the Netherlands, and from Dr. S. D. Forsyth, the ambidexter personage who is a sort of Agent here from Venezuela, and has been winding up-stairs here to get appointed Agent from the United States to that country. Quabeck came to tell me that he had received from his Government permission of absence till the next session of Congress; that he was desirous of obtaining an audience of the President to take leave. He added that, as he was to return here before the next winter, the King had not thought it necessary to appoint any person to act in his stead during his absence; and that on taking leave he was charged to express the regret of his Government at the perseverance of the representations made in their name in behalf of claims for which the King's Government thinks it ought not to be responsible.

I observed that the discussion of these claims had been hitherto entirely carried on in Europe, and I did not suppose his Government had directed him to enter into the merits of them with me. He said, certainly not. I then remarked that it was the earnest desire of this Government to maintain the most friendly relations with that of the Netherlands, and to do everything that could manifest in the most unequivocal manner that disposition. But it had also obligations of duty towards our own citizens which it could not neglect; that it considered the claims of those for whom it had applied to the King of the Netherlands as just and undeniable; it had entertained the hope that they would ultimately be so considered by the King himself; that we should not incline to press them with unsuitable importunity, but that, relying upon their justice, and hoping that they would be finally recognized and satisfied, they could by no means consent to abandon them.

He said there was, and could be, no question of the injustice which our citizens who brought forward these claims had suffered. It was plain downright robbery. But then it had been perpetrated by the universal robber. In ordinary times, and under the usual law of nations, a Government was answerable for the wrongs of its predecessors; but the present condition of Europe presented a case "sui generis," to which ordinary principles could not apply. The Government and people of the Netherlands were among the first and greatest victims of Bonaparte. They had been, therefore, robbed and plundered by the same party till they had scarcely anything left. It would be too much to be obliged to put up with their own losses and to make good those of others too. His duty was, however, discharged, and he should communicate faithfully to his Government the observations that I had just made to him.

Forsyth, before calling upon me, had been with the President, from whom while he was with me I received a note concerning him. This note requested me to furnish Forsyth with a spare copy of Waite's State Papers and of Niles's Register; to give him a letter of recommendation or certificate of approbation for Bolivar, and, if possible, to give him some agency for the recovery of the claims which had been made by B. Irvine, and afterwards by Perry; also to tell him that Mr. Todd was appointed the Agent to Venezuela. I directed the books to be sent to his lodgings if they could be found in the office, but we were interrupted before I had told him of the appointment of Todd. He told me that he was now about to return to Venezuela, and should embark from New York with the arms which they have procured; that he should go with Mr. Torres the day after to-morrow, first to Philadelphia, where he should stay only two or three days, expecting to sail this day week. He spoke of the new Republic of Colombia and of General Bolivar in a manner suited to give a high opinion of them; and, as he had not always expressed the same opinions, at least of the man, he now accounted for the change. Bolivar has had many vicissitudes of fortune, and his reputation, as usually happens, has ebbed and flowed with his success. His last summer's campaign was a spring tide with the moon in perigee. Dr. Forsyth thinks that he has greatly improved by his experience; that he has learnt virtue in adversity; that he is another and now quite a great man. He also thinks there is now a stability in the new Republic which it never had before, because all the *talented* men of the country have now found their places in the system and are attached in interest and fortunes to his success.

I told him I should immediately send a written answer to Mr. Torres, upon which he said he wished I could make it not absolutely positive, because Mr. Zea, the late Vice-President of Venezuela, was coming out as Minister to the United States, and he would bring proposals very important and which would deserve great consideration from this Government. He then repeated the intimation that Bolivar was in correspondence and communication with the leaders of the insurrection in Spain, and that there would shortly be one in Mexico, with the Viceroy Apodaca himself at its head. He said Dr. Gual, who was mortified and ashamed at the part he had taken with McGregor, was now sent on a mission to Buenos Ayres with a view to negotiate a reconcilement between Artigas with his party and the Buenos Ayrean Government, and General Clemente, who on his first return home had been arrested for his participation in McGregor's affair, had since been appointed Governor of the island of Margaritta. The great object of Bolivar would now be to unite the whole continent of South America in a confederation, of which New Granada and Venezuela would be the central State. The Doctor asked me for a copy of the law of the United States relating to our privateers, and of the regulations and instructions under which they had sailed during our late war. These were furnished him, and he promised and sent me a printed blank commission such as those issued by Bolivar. He said Aury had been ordered to report himself, and, if he did not, would be declared a pirate. But, he added, they had no prize code, and merely followed the old privateering ordinances of Spain, and had hitherto required no bonds to be given by the owners and captains of privateers, which had been the principal cause of the excesses committed by privateers under the Venezuelan flag.

After Forsyth left me, I went over to the President's. His direction to me to write to Bolivar recommending Forsyth had perplexed me. I suggested to him that Bolivar, being the Supreme Chief of the Republic, might take exception at a letter from a subordinate officer of this Government, the rule of correspondence between nations being that principal writes to principal, and Minister to Minister. He then asked me if I could not write to Bolivar's Minister or Secretary of State.

I said, certainly, if he thought proper, but I must acknowledge I felt some distrust of everything proposed and desired by these South American gentlemen. Mr. Torres and Mr. Forsyth had pursued a different system from that of Lino Clemente and Vicente Pazos. Instead of bullying and insulting, their course had been to soothe and coax. But their object was evidently the same. The proposal of Torres was that while professing neutrality we should furnish actual warlike aid to South America. And Forsyth's insinuation was that Zea was coming to tempt us by some offer of actual and exclusive advantages. For what he wanted this letter of recommendation to those whom he was now serving, I knew not, but when he got it he would make the most of it that he could. The Republic of Colombia, too, would be disposed to make the most of it, and I should not be surprised if they should among them make as pompous a display of it as they did of Baptis Irvine's reception. I believed the best way to write the letter of recommendation which he had promised would be for me to address it to Torres and let him communicate it to his Government.

The President agreed to this, and said he believed he had promised Forsyth more than he ought to have done. But Forsyth had been useful to Commodore Perry, and, on going back to Venezuela, might be useful again; he had thought it would be best, therefore, to let him go back with dispositions friendly towards us, and he had the more confidence in Forsyth, because Trimble, the Kentucky member, Clay's particular friend, and a zealot for South America, had spoken of him with the utmost contempt.

Forsyth has played his card very adroitly with the President, though Baptis Irvine, since he found him interfering with his own views of returning as Agent, did completely unmask him. Irvine discovered that Forsyth had been undermining him, but thought he had directly asserted against him by name what Forsyth had only insinuated without naming him at all. Irvine then wrote two furious letters of the bitterest invective against Forsyth, painting him, his character and conduct, in colors of the darkest hue. Forsyth got wind of them, went to Irvine, protested to him that he had never so much as mentioned his name to the President, to whom he appealed for the truth of what he had said. Irvine became compunctious for his over-hastiness in believing that his friend Forsyth had disserved him, and actually came to the President and apologized for what he had written under erroneous impressions, and recanted all that he had written against Forsyth—a great part of which, from other evidence, I have no doubt was true. 'Tis an intrigue of plot and counterplot fit for Shakspeare or Molière.

31st. Mr. Ninian Edwards, a Senator from the State of Illinois, came to me this morning upon business which had been also yesterday mentioned by Cook—the nomination of Marshal for that district, in the room of R. Lemen, resigned. He had a recommendation from Judge Pope of a Mr. Conar, who is also supported by him and by Cook. He also talked much about Clay's two resolutions offered to the House of Representatives last Tuesday, the day after the message from the President on Spain and Florida was sent in. Clay's affairs, private and public, have been growing desperate ever since the commencement of Mr. Monroe's Administration. He then refused the War Department and the mission to London; nothing would satisfy him but the Department of State; and, failing to obtain that, he projected a new opposition, of which he should be the head, and which should in the course of two Presidential terms run down Monroe, so that he might come in as the opposition successor. His engines the first session were South America and internal improvement. Both then failed. The next session he took up the Seminole War, but of that mighty controversy he was no longer the primary leader. He had ranged himself under the Crawford banners. That struggle was more stubborn, but also failed. The great majority of the people took the other side. The Missouri question then arose, and disconcerted Clay's projects by presenting party combinations and divisions very unsuitable to them. It looked to a dissolution of the Union upon principles which could not serve his purposes. But, that question having been for the present compromised, he recurs to South American and Spanish affairs for his main engine of opposition. The Florida Treaty, when concluded last winter, was universally considered as obtaining so much more for us than had ever been expected, that not a voice could be raised against it in either House of Congress. Now the public feeling is different. For, while the King of Spain refuses to ratify because, he says, his Minister conceded too much, the people of our Western country have been instigated against the treaty as not having obtained enough. The Missouri question, too, has operated to indispose every part of the Union against the treaty: the North and East, because they do not wish even to have Florida as a another slave State; and the South and West, because they wish to have all the territory to the Rio del Norte for more slave States. Clay seizes upon this state of things, and has brought forward these resolutions, which are to operate in every possible contingency against the Administration. By raising a party against the treaty it may prevent its ratification, in which case all our differences with Spain recur to clog the course of the Administration; if not, and the ratification should be obtained, the treaty itself will be rendered obnoxious, and the Administration odious for accepting it—and most especially the Secretary of State who negotiated it. Clay's resolutions are: 1. That Congress alone have power to cede territory, and that no treaty can cede it without their sanction; and, 2. That the Florida Treaty ceded territory without an adequate equivalent, and ought not to be renewed. Edwards says he had at first been told that these resolutions would not have much support, but afterwards that they would, and perhaps might be carried in the House; that all the Western members would vote for them, and that the treaty had been rendered unpopular in the Western country. He also said a member had told him that the President's last message would be the most unpopular act that he ever did, because it recommended to postpone acting at the interposition of Russia and France, after having refused to accept the mediation of Great Britain and to abide by the decision of the allied powers.

I told Edwards that I had very little attachment to the treaty. I believed it now, as when it was signed, an acceptable bargain; but I had been the last man in the Administration to agree to accept the Sabine for the western boundary, and shall now be very ready to abandon the treaty if the opinion of an adequate portion of either House of Congress should be adverse to it; that, as a servant of the whole Union, the interests of every part of the Union were equally dear to me—there was neither East, West, North, or South to my duty or my feelings; but, as an Eastern man, I should be disinclined to have either Texas or Florida without a restriction excluding slavery from them, and if I were now a member of either House of Congress I would offer resolutions that the treaty ought not now to be accepted without an article prohibiting and excluding slavery from the territory to be acquired. I had been continually expecting that such resolutions would be offered by some one of the Northern or Eastern members. As to the President's message, there were other reasons for sending it in besides those apparent upon the face of it—reasons of transcendent influence, but not proper to be publicly assigned. One was, to prevent a long, angry, dangerous, and unprofitable debate, which would certainly have arisen from the report of the Committee of Foreign Relations. A second was, to avoid the certain issue of that debate, which would have exhibited to the nation and the world a disagreement of the worst kind between the Executive and the Legislature. In all probability, the issue would have been the indefinite postponement of the subject, with nothing done, and with great mutual irritation and excitement. A third was, that even if the law for occupying Florida could have passed, we had reason to believe it was precisely what Spain desired, for the purpose of having ground to insist upon the confirmation of the contested grants. And the report of the committee gave anticipated countenance to that pretension. The message puts an end to all this, and now Clay may offer his resolutions and make his speeches. We know that the vote of the House will concur with the recommendation of the message. Why the reference to the interposition of France and Russia should make the President unpopular I could not easily see. The Committee of Foreign Relations had written to me through their Chairman, especially enquiring what information the Executive had of the views of the European powers in relation to our affairs with Spain, and what part they would probably take in the event of a war between the United States and her. The question before the House upon the report and bill of the committee was a question of peace and war. What would have been said of the President if he had withheld from the House the fact of the interposition of France and Russia? That interposition has been altogether friendly, with an unequivocal expression of opinion in our favor on the points of difference with Spain. It was not of a character offensive in the slightest degree to our independence, and it was in a concern upon which they had a right to interpose. They had important interests of their own involved in the issue—the interest of general peace, which was threatened with imminent danger, in the event of a war between us and Spain. It would be a perversion of sound principle to pernicious prejudice to spurn at such interposition. The President therefore deliberately determined to send the message, well aware of the gloss that would be put upon it, but knowing also that whatever opposition it might encounter here would produce a favorable reaction in Europe; and believing that the whole result would be advantageous not only to the country but to the Administration.

Edwards assented to all this, and agreed that the message was a judicious measure. He intimated a wish that there might be some means of explaining the subject by writing for publication in the Western country newspapers; but for this I have neither time nor means. I took the recommendations of Conar for the appointment of Marshal in Illinois to the President, who determined to send immediately the nomination to the Senate. The President also concluded upon the case of the pirates under conviction, of whom there are seven at Baltimore, at Richmond, Virginia, four at Charleston, S.C., four at Savannah, and eighteen at New Orleans. Two are to be executed at each place, and the rest reprieved for two months, excepting one at New Orleans, who is to be immediately pardoned. The warrants and necessary letters to the Marshals of the Districts are to be made out immediately.

April 1st. Mr. Brackenridge, of Baltimore, called upon me, and gave me a history of his misunderstanding with Judge Bland on their South American mission. There were, it seems, mingled up in that affair two ingredients of no very patriotic character. Bland, his son-in-law Skinner, and their connections here had connected themselves with the Carreras, exiles from Buenos Ayres and Chili, and conspirators against the existing revolutionary Governments there. They had lent them large sums of money, and had obtained from them stipulations for exclusive privileges of commerce for ten years. This private speculation was the source of all the artificial excitement stirred up in the newspapers during the autumn and winter of 1817. The papers in the Richmond Enquirer of that time signed "Lantaro," addressed to Clay, and calling upon him to take the lead in Congress to produce a formal acknowledgment of the independence of Buenos Ayres, were written by Skinner, with some assistance from others. The same cabal obtained the appointment of Bland as one of the Commissioners, and Bland was at the same time the private agent of Skinner and his associates to recover from the Governments at Buenos Ayres and in Chili the moneys lent to the Carreras, whom those very Governments were prosecuting as traitors, and several of whom they have since put to death. These connections of Bland, not without links of attachment to the Baltimore privateering piracies, influencing and pervading his conduct as a Commissioner, Brackenridge says were the only causes of his quarrel with him. Brackenridge had not hesitated to give him his opinion that they were improper. Rodney, he says, had done the same. Rodney being a brother Commissioner of equal rank with himself, Bland had let it pass off smoothly with him; but the disapprobation of a subaltern, more galling and less dangerous, he had set at defiance, and had indulged his resentment by every effort in his power to disgrace him—one of which efforts was an attempt to palm on the mission another interpreter, on the pretence that Brackenridge was incompetent. After their return home, Brackenridge was repeatedly and severely attacked in the Aurora by anonymous publications, which, he says, he has traced to Bland; and last summer Brackenridge published in two volumes an account of his voyage and of that mission, in which were many passages reflecting upon Bland, though not in a direct manner by name. Two pamphlets have been recently published purporting to be a review of Brackenridge's work, but very dull and pedantic, with labored efforts and conceited pretensions to wit. Brackenridge told me, and notified in a newspaper, that this pamphlet was the joint production of Judge Bland, J. S. Skinner, Dr. Moreno, one of the South American exiles, and Baptis Irvine. This latter personage has since come out with an avowal that he was the sole author of the pamphlets. Brackenridge says he is sure that the others had a hand in it. He gave me a character and history of Baptis Irvine not at all advantageous to him. He is a Scotsman, driven as a needy political adventurer to this country, and, from a natural turbulence of temper, never long quiet in one spot. He has been successively a journeyman to W. Duane at Philadelphia, and editor of newspapers at New York and Baltimore. By recommendations from De Witt Clinton, General S. Smith, and many other habitual recommenders, he obtained the appointment as Agent to Venezuela, from whence he returned, assuredly without having done any good. He has been ever since his return a hanger-on for a further appointment, and is now an author to be let for any sort of abuse or scandal that any one wishes to have circulated. Brackenridge is also himself a suitor for office. Colonel R. M. Johnson called at the Department to enquire if the letter promised by the President to Dr. Forsyth had been forwarded to him. It had been sent to Mr. Torres. The President also called himself about it.

6th. In the National Intelligencer of yesterday there was a notice signed by General Samuel Smith, a Representative in Congress from Baltimore, as Chairman of the caucus in 1816 which nominated candidates for the offices of President and

Vice-President of the United States, at the election then ensuing. He states that he has been required by numbers of members from various parts of the Union to call a meeting for consultation whether a nomination shall now be made. He therefore summons a meeting of Republican and *other* members of Congress who may think proper to attend at the Representative Hall at the Capitol, next Saturday evening at half-past seven o'clock in the evening, to determine whether it be expedient that a nomination should now be made of candidates for the offices of President and Vice-President. This is the result of caballing. There is at present no ostensible intention to oppose the re-election of Mr. Monroe as President in any part of the Union. Every attempt to form a new fixed opposition party has hitherto failed. But the Vice-Presidency is, to call things by their proper names, in the market. Tompkins stands as candidate for the office of Governor of New York against De Witt Clinton. But the election is strongly contested, and the issue doubtful. The choice is to take place the last week of the present month. Tompkins has, however, no thought of relinquishing the Vice-Presidency if he should fail in the election as Governor of New York. But a majority of the New York delegation in Congress are partisans of Clinton, and disposed even to throw out Tompkins from the Vice-Presidency. At the same time, it appears, Clay has fixed his eye upon that office, and, as Clinton's ultimate aim is at the Presidency, the aspect of the present moment is of an approaching coalition between Clay and Clinton. Samuel Smith, in the midst of a stupendous ruin of reputation and fortune as a merchant, maintains yet his consideration and influence as a politician, or at least struggles hard to maintain it, and is now baited to this hook by the view of a vacant Speaker's chair, which he is told he has a clear pretension to occupy. So that the object of this caucus is to announce Clay as candidate for the Vice-Presidency, and to make way for Smith as the future Speaker. To prepare the minds of members for this, Clay has given out that he has met with a heavy loss by the failure of a person whose notes he had endorsed, and which he was last summer obliged to pay, to the amount of twenty-five thousand dollars; that his private affairs have thus become embarrassed; so that, having a family of children to support, he can no longer afford to come to Congress, and intends to resign his office as Speaker before the close of the present session. That his affairs are embarrassed, there is no doubt. According to the general rumor, he has more than once won and lost an affluent fortune at the gaming-table. The last winter was an unlucky one for him, and before he left this city he was said to have met with embarrassing losses. In his Florida Treaty speech the other day, he made an ingenuous confession that in his youth he had sometimes indulged in a mode of amusement which years and experience had determined him to abandon. This resolution was doubtless formed under similar circumstances to those in which Regnard's Hector concludes that Seneca must have written his philosophical reflections.[1] I am, nevertheless, incredulous as to his resignation of the Speaker's office. His political prospects are not so entirely blasted as that measure would indicate his own conviction that they are; and in this country, politicians of desperate private fortunes always find the means of keeping themselves above water as public men. In politics, as in private life, Clay is essentially a gamester, and, with a vigorous intellect, an ardent spirit, a handsome elocution, though with a mind very defective in elementary knowledge, and a very undigested system of ethics, he has all the qualities which belong to that class of human characters.

7th. General Don Francisco Dionisio Vivés, the person of confidence whom the King of Spain promised to send to ask explanations about the Florida Treaty, has arrived at New York in the packet-ship James Monroe from Liverpool. I received this day dispatches from A. Gallatin of 15th February, and from R. Rush of 25th February, showing that Vivés had passed through Paris and London on his way. Gallatin had seen him, and says he has not with him the Spanish ratification, but is empowered, if the explanations should be satisfactory, to agree that the United States should take possession without waiting for the ratification from Madrid. Rush had not seen him; but, by comparing the two statements, it appears that Vivés told Pasquier, the French Minister of Foreign Affairs, that the subject of the grants would be accommodated, but the principal difficulties would be in relation to the piracies and to South America; and a very few days afterwards told Lord Castlereagh that he should be able to convince the American Government that Onis had exceeded his instructions. I took these dispatches to the President, and observed to him that as Vivés did not bring the ratification, and as he appeared to have told one story at Paris and another at London, it gave strong grounds for suspicion that the real object of his mission was to procrastinate and come to no conclusion: it would, therefore, be necessary to anticipate that result, and determine upon the course to be pursued both with him and afterwards on the supposition that we are to bring to a speedy close the negotiation with him.

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[1] "Chapitre vi. Du mépris des richesses.
Lorsque Sénèque fit ce chapitre éloquent,
Il avoit, comme vous, perdu tout son argent."
REGNARD: *Le Joueur.*

The President said he really did not think we ought to go to war for Florida, or that the nation would be willing to proceed to that extremity. This also was my opinion. But, after what had passed, I believed Florida might be occupied without risking a war, and it would deserve consideration whether any other course could be taken consistently with the honor of the nation. The President desired me to send the dispatches to the other members of the Administration, and said he would afterwards have a consultation upon the subject.

9th. The caucus which was to have been held last evening failed. Not more than forty members attended. The delegations from Pennsylvania and North Carolina agreed unanimously among themselves not to attend. From Virginia only two members, Nelson and Strother, and from Massachusetts only one member, Shaw, were present. S. Smith, who called the caucus, nominated Nelson as Chairman, and Colonel R. M. Johnson immediately offered a resolution that it was not expedient then to proceed to nominate candidates for the offices of President and Vice-President, which passed without cpposition, and the caucus was adjourned without day. Nelson is the Representative of the district in Virginia which is the permanent residence of the President, and is understood to be in high personal favor with him. Strother has also been considered as specially attached to the President and a warm opponent of Clay. But he and Quarles, of Kentucky, who came into Congress by an interest opposed to Clay, have both been nominated within a few days as Receivers of Public Moneys in Missouri. Having gained their objects, they now seem disposed to make peace with Clay, and Quarles has been one of the busiest in getting up the caucus. Nelson, like Samuel Smith, was allured by a glimpse of the Speaker's chair. But there appeared in the City Gazette yesterday a piece avowedly by a member of Congress, and written by Rogers, of Pennsylvania, severely censuring the call of a caucus, and especially the project of electing both President and Vice-President from slave-holding States, and warning the President's friends that, if persisted in, this plan would finish by exciting an opposition to the election of the President himself. This would not disagree with the views of Clay; but the most remarkable feature of this caucus is the countenance given to the project of electing Clay Vice-President by those who are in the President's most intimate confidence and those who have just received offices by his nomination.

10th. Mr. Hyde de Neuville came to enquire what late news I had received from France, and also what was the etiquette of first visiting between foreign Ministers residing in this country. General Vivés, it seems, arrived in the city last evening. I told Mr. De Neuville that of the etiquette of foreign Ministers residing here, between themselves, I could know less than he did, but that in every part of Europe, between Ministers of equal rank, the person last arrived invariably paid the first visit. I had heard that when Count Pahlen came here as Minister from Russia he had made it a question with General Turreau, on the ground that the usage of visiting in this country was that the last comer received the first visit; and that, as Turreau adhered to the general European custom of diplomatic visiting, Pahlen and he, while they resided here, did not visit each other at all.

De Neuville said his own experience here had not absolutely settled the point, as he had met both Mr. Bagot and Mr. Poletica first at third places. But, as the general usage was so, he should wait to receive the visit of General Vivés.

The President came to the office, and afterwards his brother, Joseph Jones, with a letter from Dr. Forsyth to the President in a querulous tone at his not having received the letter to Bolivar and the documents which he considered the President as having promised him. He asked whether I thought the letter should be answered by me or by the President. I told him rather by himself than by either. Not by me, because Dr. Forsyth had chosen to address the President directly. Not by the President, because it was not suitable that he should enter into a direct correspondence with a man who is substantially a foreign Agent. But he, as the President's Secretary, should answer it; and I told him what I thought he should say. He accordingly afterwards sent me an answer, open, to be forwarded by me if I should approve it—which I did.

The President is in general upon his guard against direct addresses to himself, especially from foreigners. He keeps all the foreign Ministers at a cold and cautious distance; but he permitted this Dr. Forsyth to have immediate access to him because he was a citizen of the United States, and Forsyth has abused his indulgence by attempting to draw him into a private correspondence.

Strother told me he had attended the caucus merely to see what they would do. He spoke also of a publication in the Georgetown Messenger severely censuring the President for appointing members of Congress to executive offices. There is a resolution now proposed to the House of Representatives by Mr. Cobb, of Georgia, for an amendment to the Constitution to disqualify members of Congress during their term of service and for a year afterwards from receiving any appointment by the President. There are strong arguments both for and against such a provision. The weightiest, in my opinion, are against it.

11th. I appointed one o'clock this day to receive General Vivés, at which time he came and delivered a letter of recall from the King of Spain to Mr. Onis, and a letter from Onis to me enclosing it. He at the same time said he had to ask an audience of the President to deliver a credential letter from his sovereign. I told him I would immediately take the President's directions, and give him notice of the time which the President should fix.

I received a summons from the President to attend a Cabinet meeting at his house at two o'clock. All the members of the Administration were there. A warrant had issued last week for the execution of John D. Ferguson and Israel Denny, two of the men convicted of piracy at Baltimore, and the day fixed was the day after to-morrow; this morning a petition, signed by four thousand inhabitants of that city, for their pardon, was brought to the President by the two members from the city, and two persons of respectable character had come on purpose to bring the petition. There was a representation also setting forth many extenuating circumstances in their behalf, but that was not signed; and there were letters from Judge Bland and others, among which one from Mr. Hoffman, pleading for them. The unsigned paper stated particularly that Ferguson, at the commencement of our late war with England, had been an impressed seaman in the British navy; that he had given himself up as a prisoner, and refused to serve against his country; that he had then discovered a key to the signals used in the British navy, and had transmitted it to the Navy Department here, of which Mr. William Jones was then the Secretary. The question upon the pardon was then discussed in a desultory manner, and there appeared to be much wavering in the mind of every one. The President finally asked my opinion first, and I gave it in favor of a reprieve for two months now, and for the substitution of a long imprisonment of several years instead of death for these and all the other cases of simple piracy, and executing only those which had been complicated with murder. In this case the worst act had been that of taking twenty-three hundred dollars from a Spanish vessel, without injury or even insult to any person. It was with great reluctance, and only from a deep conviction of the peculiar necessity of making an example at Baltimore, that I had before assented to the execution of these two men. But here was now a petition, it might be said, from the whole city. The case of these men was hard.

Their captain, Daniels, the man who had seduced them to their crime, had been tried for a case in which the life of the master of an English merchant vessel had been lost by his act; who had a hundred piracies and as many murders upon his soul; this man had been discharged by Judge Bland, and was walking the streets of Baltimore and holding his head as high as any man. All the principals and ringleaders in these privateering piracies had escaped. They were triumphant against every prosecution, while these poor ignorant creatures, the mere mortal instruments of their guilt, were to suffer death. Besides, in the general opinion, their case was not that of mere unqualified piracy. They had a sort of color of commission, a spurious but yet plausible connection with the cause of the South American patriots. The compassion of the public would be turned in their favor, and indeed there might be reason to apprehend a popular movement at Baltimore to prevent their execution; at least a great odium would be excited against the Administration for it.

Mr. Calhoun concurred in this opinion, though more doubtfully, and inclining to the execution. Mr. Crawford was decidedly for the execution. He had no doubt of the right of the legislature to affix the punishment of death to any atrocious crime. They had now affixed it to piracy, and the question now was, should the law be executed or not? If not executed in this case, it ought not to be executed in any of the others; and the law would then be a dead letter. That this was a case of mere piracy without murder, made it so much the better as a test for the execution of the law. And if they had met with resistance, it is to be presumed they would have committed murder. As to their connection with the South American cause, it was pretended, and not real. Plunder was their object, and they were equally ready to take it from all nations.

Mr. Thompson was very unwilling to give any opinion, and Mr. Wirt said he was divided between two opinions. All the reasoning, however, was in favor of the execution.

After sitting till near five o'clock, the President was yet undecided, and adjourned the meeting till ten o'clock to-morrow morning. He desired me as I should be returning home to call at Mr. Duval's, where Mr. Jones, the former Secretary of the Navy, now in the city, lodges, and enquire of him if he had any recollection of the alleged fact of Ferguson's having transmitted during the late war a key to the British signals to the Navy Department. I had a reprieve made out ready to be signed if the President should so determine, and on my way home called at Mr. Duval's, where I saw Mr. Jones. He had no recollection of the transmission of the key to the British signals by Ferguson, but said he would make enquiries of Mr. Duval, who was at the time referred to a clerk in the Navy Department, and would write me the result. He also referred me to Mr. Homans, the Chief Clerk of the Department, to ascertain if there was any evidence on the files to elucidate the fact. At the door of my house I found the two persons who had brought the petition from Baltimore, waiting for the answer. I told them the President had not yet come to a determination, and requested them to call for it at eleven o'clock to-morrow. The President had fixed one o'clock to receive General Vivés, half-past one, Mr. Greuhm, and a quarter before two, Mr. Antrobus, of which notice was given them, and that I would meet them at the President's house.

12th. I received this morning a note from Mr. Jones, who states that Mr. Duval has no recollection of the transmission of the key to the British signals by Ferguson, but that he has seen and conversed with him in prison at Baltimore, and that he is a native of Scotland, and speaks the broad dialect of that country. The story, therefore, of his having given himself up as a prisoner at the commencement of the late war is without foundation. The members of the Administration met again this morning at the President's, but the Secretary of the Navy not attending, I went over to his office and made enquiries of the Chief Clerk, Homans, who examined the files, but could find no evidence upon them to confirm the allegation in favor of Ferguson.

Mr. King, of New York, came in while I was at the Navy Office. He spoke of General Vivés, and said the disposition of the Senate towards the Florida Treaty was no longer the same now that it was last year. He seemed to think the ratification might now be accepted without re-submitting it to the Senate; but this, under present circumstances, I should deem inexpedient. I returned to the President's, where Mr. Thompson was also now present. The question upon the pardon was resumed, but the President had now made up his mind to refuse the reprieve and to persist in the order for execution. He said he had come reluctantly to the conclusion, but that an example was indispensable. He asked, however, the opinion of all the members; and now all except myself were decidedly in favor of the execution. I remained of the opinion which I had expressed yesterday. I was charged, however, to communicate the President's decision to the person who brought the petition from Baltimore, which I did, assuring him that every possible attention had been shown to the petition; that in declining to comply with it the President had performed a painful duty, but that his decision had been the result of the fullest deliberation. He said that, although he regretted the determination, he could not say it was unexpected to him, and he expressed himself perfectly satisfied with regard to the attention which had been shown to the petition.

At one o'clock I returned to the President's, where I found General Vivés already arrived. I presented him immediately to the President, to whom he delivered a credential letter as Envoy Extraordinary and Minister Plenipotentiary from the King of Spain. He had sent me yesterday a copy of it, as I had requested. In delivering the letter, he made a short address to the President in French, expressing the King's friendly disposition towards the United States, and his own personal desire to contribute all in his power to the friendship and harmony of the two nations. The President answered him also in French, with professions of a similar disposition on the part of the United States, and a hope that the friendship between the two nations will be preserved unimpaired. The audience was not of ten minutes' duration. When the General withdrew, I requested him to send to the Department of State a list of the persons belonging to his Legation—which he promised to do. I said I hoped also to receive shortly a further communication from him. He said he should address me without delay.

At half-past one o'clock I presented Mr. Greuhm, the Minister Resident from Prussia, who took leave upon a leave of absence; and at a quarter before two, Mr. Antrobus, who delivered two letters, one from the British Prince Regent, dated 24th January last, announcing the death of the Duke of Kent, and the other from King George the Fourth, dated 31st January, announcing the death of his father, the late King, on the 29th of that month. Both these ceremonies were also short.

13th. Mr. Ruggles, a Senator from the State of Ohio, called upon me this morning with a written recommendation, signed by five or six members of the House of Representatives from that State, of a person for the appointment of a Judge in the Territory of Arkansas. I had some conversation with Mr. Ruggles with regard to the opinions of the people in the Western country concerning the Florida Treaty and Mr. Clay's project of setting it aside and taking possession of the province of Texas. Ruggles said that this project was adverse to the interests of the State of Ohio, who would be well satisfied with the ratification of the treaty. Mr. David Trimble, a member of the House from Kentucky, called at the office to enquire what would probably be the result of the negotiation with General Vivés. His ostensible motive was to make up his opinion on the report to be made by the Committee of Ways and Means, of which he is a member. But he came with a long argument to convince me that the only way for me to make myself popular in the Western country was to set the treaty aside and urge the recognition of the South American revolutionists, and insist upon the Rio del Norte as the western boundary.

I told him that I understood the map of the country rather too well to suppose it would ever be possible for me to do anything that could make me popular in the Western country; that as to the treaty, I had never set the value upon it that was supposed, and of all the members of the Administration, I was the last who had consented to take the Sabine for our western boundary. I had no doubt that if the treaty should be set aside we should ultimately obtain more territory than it would secure to us, but we should get the same territory with the treaty sooner than we should want it; and even now I thought the greatest danger of this Union was in the overgrown extent of its territory, combining with the slavery question. I added as my belief, that there would be a majority of the House of Representatives now who would not accept of the province of Texas as a gift unless slavery should be excluded from it. Since the Missouri debate, I considered the continuance of the Union for any length of time as very precarious, and entertained serious doubts whether Louisiana and slavery would not ultimately break us up.

He said he himself considered the slavery question as the greatest that can agitate this Union, but that Kentucky would get rid of her slaves and would finally not be in the slaveholding interest—they did not want slaves for the articles of their cultivation; but if the Union should break up there would be three Confederacies—Eastern, Southern, and Western.

I said, so I had heard Clay say—that within five years we should have three Confederacies; but why there should be precisely three I could not see. The slave question might split us in two; because this question, besides involving the strongest oppositions of interest, involved also the principle of all others the most deeply planted in the hearts of this people. There was no existing opposition of mere interest between any two parts of this country, which could possibly produce a dissolution of the Union.

He said he agreed with me in that. But if the Union should break, the country between the Sabine and the Rio del Norte would become indispensably necessary for the Western Confederacy. It would be an excellent country for the cultivation of coffee, and there was an admirable sea-port there which would be necessary to the command of the Gulf of Mexico.

I told him that I did not believe we should ever find either a good sea-port or grounds for cultivating coffee in Texas, nor did I believe there was any article of cultivation that needed slaves. The want of slaves was not in the lands, but in their inhabitants. Slavery had become in the South and Southwestern country a condition of existence. They could not live without them. As to the treaty, we could now very easily disengage ourselves from that. The difficulty would not be in setting it aside, but in obtaining it. He and Mr. Clay were excellent negotiators in theory. They were for obtaining all and granting nothing. They played a game between their own right and left hands, and could allot with admirable management the whole stake to one hand and total discomfiture to the other. In the negotiation with Spain we had a just claim to the Mississippi and its waters, and our citizens had a fair though very precarious claim to indemnities. We had a mere color of claim to the Rio del Norte, no claim to a line beyond the Rocky Mountains, and none to Florida, which we very much wanted. The treaty gives us the Mississippi and all its waters—gives us Florida—gives us an acknowledged line to the South Sea, and seventeen degrees of latitude upon its shores—gives our citizens five millions of dollars of indemnity—and barely gives up to Spain the colorable claim from the Sabine to the Rio del Norte. Now, negotiation implies some concession upon both sides. If after obtaining every object of your pursuit but one, and that one weak in principle and of no present value, what would you have offered to Spain to yield that also?

Trimble had no answer to this question, but he said he believed Onis had deceived me about the grants. He had no doubt Onis knew the grants were dated before the 24th of January, and assumed that date with the intention that it should confirm them. This was no disparagement to me; any honorable man might be thus deceived; but that, he believed, was the fact. I told him that Onis might very possibly have had such an intention, but the fact was, we had never relied upon the date; that the grants were annulled by the terms of the article, independent of the date, and that we have not only the demonstration that such was the professed intention of the parties on both sides, but that the article could, without a violent perversion of language, bear no other construction. To this Trimble agreed.

Trimble is a bustling, talkative, pushing man, professing to be independent of all parties, but in reality a satellite of Clay's.

He made a speech in the House the other day upon Clay's resolutions against the treaty, in which he said all that he this morning repeated to me, and much more. He is one of the members who make it a point to keep upon good and friendly terms with me personally, and always to side against me upon public questions involving my opinions, reputation, or character.

14th. Mr. La Serna came, and brought me a letter from General Vivés, opening and almost closing his negotiation. Hersant called to give notice from Mr. and Mrs. Hyde de Neuville that their weekly evening parties will recommence to-morrow. I took the note of General Vivés to the President and explained to him its purport. A translation of it was afterwards made by Mr. Purviance, and I took it home with me to prepare the draft of an answer. Reflecting on the subject, it appeared to me there were two modes of proceeding: one, to begin by asking for his full powers; and the other, by answering at once his letter, giving him explanations upon all the points on which they were required, and entering upon a discussion which may be of indefinite continuance. I prepared a draft for either alternative—one of three lines, and the other of four pages; which occupied me till midnight.

15th. The President called at the office, and I gave him the two drafts of an answer to the note of Mr. Vivés, requesting him to examine the long one and make such alterations in it as he would think advisable before submitting it to the other members of the Administration. He afterwards sent it back to me with suggestions of several omissions, with a view to soften expressions somewhat severe, and to avoid as much as possible topics of irritation. I left it, as revised by the President, for a copy to be prepared of it at the office for Monday.

Mr. George Sullivan came, and for the first time disclosed to me the principal object for which he visited the President in Loudon County last November, and now again in this city. It was to make application for the appointment of Commissioner under the Florida Treaty, if it should finally be ratified. There are to be three of these Commissioners, for which at least thirty applications have been made to the President. Sullivan is a man of polished manners, but not of much delicacy of sentiment, for he urged his appointment on the ground of a promise to use all his influence, and that of his friends, to support the Administration and promote the re-election of Mr. Monroe. This appointment, he said, would much strengthen his influence. The fact is that his influence is very trifling, and is not at all needed either to support the Administration or to secure Mr. Monroe's re-election. That is so secure that Sullivan and his friends will take special care to be in favor of it. But there is a coarseness in these unveiled proposals of political barter, very disgusting to me. Sullivan was very urgent for a promise of my influence in his favor for this appointment; but I told him the applications were very numerous, and if the appointments should ever be made the President would have all the candidates before him, and would make his own selection, as was always his custom. Sullivan was not half satisfied with this answer. It would have cost me nothing but principle to have promised him my influence, and to have made him my friend as long as he would find it his interest to be so. But I make no sacrifice of principle for any man's political friendship.

17th. I took to the President's the draft of a letter prepared to be sent to General Vivés. The President desired a meeting of the members of the Administration, which was held at eight o'clock this evening. In the mean time I dined at the Russian Minister Poletica's, with Vivés and all the members of the Diplomatic Corps now here. At the Cabinet meeting the alternatives were discussed of the answer to the note of Vivés, which I had prepared, and of asking, as a preliminary, for a copy of his full powers. The latter mode of proceeding was concluded to be the most advisable, and to enquire at the same time whether he is the bearer of the ratification by the King of Spain of the treaty to be exchanged, if the explanations required by his note should prove satisfactory. All the members of the Administration were present.

19th. Soon after I came home I received a note from the President, addressed to the heads of the Departments, mentioning that he should this morning deliver to Colonel Richard M. Johnson the sword which, by a resolution of Congress, was voted to him for his gallant conduct during the late war, and requesting their attendance at ten o'clock. I went immediately to the President's house. The members of the Kentucky delegation in both Houses of Congress, excepting Mr. Clay, the Speaker; the heads of Departments, excepting Mr. Crawford and the Attorney-General, Wirt; several other persons, friends of Colonel Johnson, were present, but not, in all, more than forty persons. Colonel Johnson came in, escorted by the members of the Kentucky delegation. The President, in delivering the sword, addressed him in a short speech, which he read from a paper in his hand, and which Colonel Johnson answered in the same manner. Mrs. Hay and her daughter were the only females present, Mrs. Monroe being confined to her chamber by severe indisposition. The affair was all finished in a quarter of an hour, and left upon my mind an impression of too much or too little formality. For public example, and as a signal reward to merit and public service, I should have thought it more proper if all the members of both Houses of Congress had been invited to the ceremony and it had been performed in a more formal manner.

After returning to the office, I received the answer to my letter from General Vivés. He encloses a copy of his full power, and states that he has not the Spanish ratification of the treaty, but is authorized, if satisfactory answers are given to his proposals, to pledge the solemn promise of the King of Spain that it shall be ratified immediately upon the arrival at Madrid of a person attached to his Legation, whom he will immediately dispatch for the purpose. I took this letter over to the President, who directed a meeting of the members of the Administration to-morrow morning to consider of a reply, a draft of which I am in the mean time to prepare. I was occupied upon it this evening.

20th. Finished the draft of an answer to the letter from General Vivés, giving the explanations required by him, and offering to concert further arrangements with him. The Cabinet meeting was held at the President's, and attended by all the members of the Administration, except Mr. Wirt, the Attorney-General. After all the papers which have passed since the arrival of Vivés had been read, and my draft of a letter now to be sent him had been partly discussed, Mr. Crawford objected that it assented to the proposal of entering into a new negotiation, which ought, on the contrary, to be immediately rejected. He said that my note would only produce a long one in return from Vivés, which would again require a long reply, and we should get into another endless negotiation. He thought it would be best to cut all short by refusing to negotiate again, and by insisting on bringing the affair to a close. This idea coincided so well with my own that I made no opposition to it, and it was generally approved. I am, therefore, to prepare a note enquiring if Vivés is authorized, in the event of satisfactory explanations being given him, to consent that Florida should be occupied by us as a pledge for the ratification of the treaty at Madrid; and, while offering to give explanations, declining to discuss them.

21st. I prepared this morning the letter to General Vivés, and took it to the President's. He immediately sent for the other members of the Administration, and it was examined and discussed in full meeting. Some slight alterations were suggested, with which it was immediately afterwards copied and sent to Vivés.

24th. Mr. Hyde de Neuville came this morning to the office, and manifested a desire to know the import of the communications which have taken place between General Vivés and me. They have hitherto been of a nature not tending to conciliation, and Vivés has neither shown him his notes nor said anything to him on the subject. I told him the substance of what had passed between us. He said he wished to offer any service on his part which might promote a good understanding and amicable arrangement. I told him General Vivés was taking his own course, and we had no motive for asking his (De Neuville's) interposition. I called at the President's and informed him of the substance of this conversation. I dined with Mr. Antrobus, the Chargé d'Affaires of Great Britain. Vivés, Hyde de Neuville, and Poletica, each with two or three members of their respective Legations, were there. From thence we went and passed the evening at W. Lee's, where, to avoid indiscreet curiosity, I engaged in a game of chess with Lomonosoff. After finishing it I immediately came home, and found a note from General Vivés, which seems to leave the possibility of coming to an agreement with him desperate.

25th. There was a Cabinet meeting at the President's, to consider of the note received last evening from General Vivés. It is apparent that nothing can be done with him, and scarcely possible to doubt that it was the intention of his Government to shape his instructions in such a manner that he should be prevented from doing anything definitive. It was agreed that the reply to his note should correspond in general with that which I had prepared to his first letter. The President expressed some uneasiness that Vivés had pursued the course of transacting all the business in writing, without asking for a personal conference, and manifested a desire that application should be made to Mr. De Neuville for his interposition. I told him De Neuville had offered it, but that I had declined it as a proposition upon our part, thinking it ought to come, if at all, from General Vivés himself, which the President, on reflection, approved. It appears, by a dispatch from A. Gallatin, that Vivés told him at Paris that he was authorized to give us possession of Florida without waiting for the ratification of the treaty. He now declares that he has no such authority. Crawford said he had no doubt Vivés had held communications both with De Neuville and Poletica here, and that they had advised him to deny his having this authority, and told him that Congress would do nothing, at all events, this session.

In the public transactions between nations there is often such a total disregard to truth, that the suspicion expressed by Crawford is perhaps not uncharitable; but suspicion itself is as apt to be deceived as credulity. Suspicion is frequently nothing more than self-deception. Whenever a man resorts to suspicion to account for the conduct of others, his belief is governed more by his wishes than by his judgment. He suspects what he wishes. Of various possible causes of the same effect, he selects that which in other respects best suits his interests or his passions. Suspicion, too, is apt to delude by wearing the mask of sagacity. I think Crawford's suspicion in this case unfounded. But I observed it was probable La Serna might have impressed Vivés with the opinion that Congress will do nothing. And it is still more probable that no person has given him any such expectation.

26th. I made a draft of a note to General Vivés, and took it to the President, who immediately sent for the members of the Administration to consider of it. They all came excepting the Attorney-General, Wirt, who is gone to Richmond. The manner of conducting this negotiation has been thus. On receiving a note from Vivés it is immediately translated by J. H. Purviance, the only translator for the Department. I then take the translation to the President, and, after a conversation with him, prepare the draft of an answer, according to my own ideas, which I take to the President. He assembles the members of the Administration, by whom the draft is discussed. Alterations, additions, or omissions are proposed, after which the note is finally prepared and sent. My draft this day repeats the assertion of the absolute obligation of the King of Spain to ratify the treaty, reviews the unjustifiable delays which have put off the ratification from time to time, and shows the frivolous and constantly changing pretexts alleged for them. Then, coming down to the time of his own arrival here, it shows that he neither brought the ratification of the treaty nor a power to give possession of Florida as a pledge for the ratification, but refers us back to promises already given and violated. It then proceeds to give the explanations upon all his points; asserts and shows that in the civil war between Spain and her American Colonies the United States have maintained a faithful and impartial neutrality; that the pretended expedition last summer against Texas was an insignificant marauding party, which never assembled within our jurisdiction, for the suppression of which prompt and effectual measures were taken, and that it was probably, as well as the exaggerated representations of it sent to Spain, a device of the fraudulent speculators in the annulled grants; that we had constantly refused to contract any engagement not to recognize the independence of the South Americans; that it was well known to the Spanish Government, and to Mr. Onis when he signed the treaty, that we never should agree to any such stipulation; that Spain had no right to ask it of us, and that it would be incompatible with our neutrality to accede to it; that the declaration which Forsyth was instructed to deliver, on exchanging the ratifications of the treaty, was not intended to annul, alter, or impair the eighth article of the treaty, but to fulfil it as it stands—and proves that such was the meaning of the article. After going through all the articles of explanation, it concludes by stating that the correspondence between us would immediately be laid before Congress, and that after they shall have taken such measures concerning it as they should think proper, I shall make him a further communication.

Some question was made as to the expediency of this conclusion, and whether it would not be better simply to announce that the correspondence would go to Congress, without any promise of future communication. I mentioned my reason for adding the last clause, which was lest Vivés might suppose by the reference to Congress it was intended to have no further communication with him. This was not my purpose, and after Congress shall have acted upon the correspondence, it seemed proper, and even necessary, that notice should be given him of what they shall have done.

Mr. Calhoun thought it would be well to enlarge upon the absolute obligation of the King of Spain to ratify the treaty. I had been impressed with the same idea, but had omitted that argument, to avoid making the note too long. I concurred, however, with Calhoun's opinion, and took the draft with me to make the addition. The editors of the National Intelligencer, Gales and Seaton, called this evening at my house to ask whether they might contradict in their paper certain paragraphs which have appeared the last two or three days in the Washington City Gazette, asserting that the President had refused to receive the treaty which General Vivés had brought with him ratified; that he had refused to receive him as Minister of Spain; and that, last evening, the General was at a party at a private house, where were also several of the heads of Departments, and it was observed that no interchange of civilities took place between them.

Every one of these paragraphs is a falsehood or a misrepresentation. But they are shadows of a real substance. They are not facts. But the state of things, of which they are indicated as the evidence, really exists. To deny the particular symptom would be taken by the public for a denial of the malady, and that would mislead them more than the misstatements themselves have done. The mission of Vivés is a part of the paltering system of Spain. He can conclude nothing, and we are going to Congress with its total failure. The curiosity of members of Congress is so eager and inquisitive, and there are so many participators in all our secrets, that a negotiation might as well be carried on in a public square by the sound of the trumpet as here.

I told Gales and Seaton that the paragraphs in the City Gazette were not true, and I had no knowledge whence they came. Some of them carried their contradiction with them in their absurdity. An authorized contradiction of them did not appear to be necessary, and might lead to other misconceptions. It might be stated that the reports were not authentic.

27th. Mr. Thomas Lloyd Halsey came to the office. He had been Consul at Buenos Ayres, and was dismissed two years since for having sent blank privateering commissions to be filled up in this country. He had also made a traffic of the commissions of Artigas, and had given offence to the Government of Pueyrredon to such a degree that he was at one time ordered to quit the country within twenty-four hours; of which order, however, he obtained a revocation. But when De Forrest came out he brought a formal demand that Halsey should be dismissed. There had also been a complaint against him for extortion in his Consular charges. He now told me that he came to justify his conduct, which he attempted to do, without success. He said he had known that various exports of arms and equipments of armed vessels from this country had taken place in behalf of the South Americans without opposition, and, he had therefore concluded, with the approbation of this Government. He feebly denied having made sale of Artigas's commissions, though he acknowledged he was informed it had been so attested at some of the trials for piracy at Baltimore.

He also denied having ever had any actual interest in Buenos Ayres privateers; and as to his illegal charges, he pleaded the example of other American Consuls, at Gibraltar and at Lisbon.

I told him his explanations were not satisfactory; that I wished to have no further discussion with him on the subject; but that if he thought he could vindicate his conduct, and would reduce it to writing in the form of a memorial or letter, it should be laid before the President and put upon the files of the Department.

I called at the President's and showed him the additions to the note prepared to send to General Vivés, which he approved. Mr. Hyde de Neuville called, and told me that he had seen and conversed with General Vivés, who was much concerned at the rumors of the rupture of our negotiation. He had the most earnest desire that the negotiation should succeed, and had every appearance of being a fair and candid man.

I told him that, from what I had seen of Vivés personally, I had entertained a favorable opinion of his character, but the difficulty was that he had no powers. His Government had sent him here upon a shuffling mission, with instructions which they knew would prevent him from concluding anything and would compel him to resort back to them. This, after what had passed, was a mockery.

He asked me whether I would, before sending the reply to Vivés's last note, have a personal conference with him. He thought we might thus more easily come to a mutual understanding, and he hoped Vivés had some proposal to make which might be accepted by us. I said I would take the President's directions, and had no doubt he would consent that I should have a personal conference with Vivés, though I saw no reason to expect from it any satisfactory result. The correspondence had already gone too far. I had expected General Vivés would in the first instance have proposed a verbal discussion, to precede writing, but he had chosen to begin with writing, and had left little or nothing to do by way of conference. This was the more extraordinary, as he had told Baron Pasquier, the French Minister of Foreign Relations at Paris, that he was authorized, if he should receive satisfactory explanations, to authorize the immediate delivery of Florida into our possession, as a pledge for the immediate ratification of the treaty; a power which he now positively declares that he has not. De Neuville said he inclined to think that Vivés possessed some such power, and he earnestly wished we might have an opportunity of discussing the points of the mission more freely than was practicable in writing. I believe this course to be the most advisable.

28th. There was a meeting of the members of the Administration at the President's, with the exception of the Attorney-General, Wirt, who is at Richmond. The draft of a reply to the last note of General Vivés, with all the suggested additions, and others which, upon revision, had occurred to me as proper, was read and approved. I then mentioned the visit I had received last evening from the French Minister, and the substance of the conversation between us. The President, Calhoun, and Thompson were quite favorable to the proposed conference between me and Vivés. Crawford was apprehensive it might protract the negotiation, and weaken the case upon which Congress will be called to act. He did not, however, object to the conference, and it was agreed that I should first see De Neuville, show him the correspondence that has passed and the note that I have prepared, and afterwards hold the conference with Vivés. I therefore sent to De Neuville, requesting to see him to-morrow at the office at noon, and appointed to see Vivés at two o'clock.

29th. Received this morning a note from the President, requesting to see me before my conference with the Spanish Minister. I called upon him accordingly. It was merely to desire me to communicate fully to Mr. De Neuville the course intended to be pursued by us. De Neuville came, according to appointment, to my office at noon. I showed him the notes which had passed between Vivés and me since his arrival, and the last note prepared by me and ready to be sent. The main argument of this note is to prove the absolute obligation of the King of Spain to have ratified the treaty, and to expose the prevarication of the Duke of San Fernando in his correspondence with Forsyth on this subject. This exposition I think complete. De Neuville could object to it nothing but that sovereigns, being independent, were accountable for their actions only to God. I observed to him that sovereigns, having relations of interest together, were accountable also to each other—were bound to do justice and perform their promises, and, if refusing, were compellable to perform them by just war. But this is not the question with the Duke of San Fernando. With him it is merely a question of authority from Vattel and Martens on the right of a sovereign to refuse the ratification of a treaty signed by his Minister—with unqualified full powers. The Duke admits the appeal to the authority of those writers, and distorts their meaning by perverting their words. To this De Neuville had nothing to reply.

As he left me, General Vivés came, and I had a conference with him of about two hours. I gave him explanations upon all the points mentioned in his notes, but I abridge the account of them here, because the substance of them will be contained in the correspondence between us, which will be published. He said he came with a most anxious desire to settle amicably all the differences; that this was also the determination and the earnest wish of his King; that his Government had no intention to temporize or deal disingenuously with us; that if such had been their object, he never would have accepted this mission. He was a soldier, and had never been employed before in diplomatic negotiations. He wished to go directly to his purpose. When he arrived in the United States he had been informed that the expedition of last summer against Texas had been broken up and dissolved; that the laws against piracy had been strengthened and effectually carried into execution; that the hostility against Spain, which had been represented in such strong colors to the King, seemed to have been greatly exaggerated, and that he had formed sanguine hopes of the success of his mission; that the King had withheld the ratification of the treaty only from a sense of duty to his own subjects; that he could not see their property plundered upon the ocean and his territories invaded at the very moment of the conclusion of the treaty, without pausing to act upon it. And when informed of the proposal made by this Government to

Great Britain to recognize the independence of Buenos Ayres, he could not avoid the belief that our recognition of it would immediately follow upon the ratification of the treaty.

I told him that the proposition was made to France as well as to Great Britain, and was intended to have been made also to Russia; that it was made at a time when we had no expectation of the conclusion of a treaty, on an opinion then and yet entertained, that Spain herself must and would ultimately acknowledge the independence of Buenos Ayres, and that this concerted recognition by several of the principal powers in relation with Spain would be favorable to the interests of all parties, Spain herself included.

He said he was himself of that opinion.

I told him that our system between Spain and South America was neutrality; that a stipulation not to recognize the South Americans would be a breach of neutrality, and as such we could not accede to it. With regard to the grants, I told him that we wanted nothing but the eighth article of the treaty as it stands; and the declaration which Forsyth had been instructed to deliver was merely to warn against the possibility of an erroneous construction of it from an accidental mistake of Mr. Onis, which could justly have no bearing upon it.

He said the grants had never been made a serious question by the Spanish Government. The grants were null and void. All such grants, when registered by the Council of the Indies, always had conditions of settlements and improvements annexed to them which these grantees could not have performed; and if they should ever produce their charters, the conditions unperformed would appear upon the face of them. It was only after the other objections had been raised that his Government had thought of taking up this. As it was desirable that something should be done for the grantees, he had been instructed first to propose that a sufficient portion of the lands should be reserved to the United States to pay the five millions of dollars stipulated for the claims, and that the grants should be good for the remainder to the grantees; but he was not required to insist upon it, and did not wish it to appear in the correspondence at all.

I told him that although the sum assumed by the United States to be paid for claims of their citizens upon Spain amounted only to five millions of dollars, yet the claims themselves were much more; that it would be impossible to discriminate so as to annul the grants to the extent of five millions of dollars and to recognize them for the remainder. But if the King of Spain wished to have the grants confirmed, we might consent to it upon condition of having an equivalent ceded to us west of the Sabine, and taking, for example, the Colorado as the boundary.

He said he would give up the affair of the grants altogether, and therefore wished me in the note which I should write him to speak with the utmost decision upon that point. On the whole, he said, he was perfectly satisfied upon all the points of explanation which he had been instructed to notice. He could also undertake to say that his Government would be satisfied upon all, excepting that of our refusal to promise not to recognize the independence of the South Americans. What I had said to him on that subject fell short of the expectations of his Government, and therefore he could not promise the immediate ratification of the treaty upon the arrival of his messenger. But he would promise that the answer should be immediate and without delay. As he was entirely satisfied himself, he should earnestly urge his Government to the ratification; he would show me the dispatch that he should write, and fully believed that the ratification would be immediately given.

After this interview, De Neuville came again to the office. I told him that General Vivés had been explicit and apparently candid. But in removing almost all the difficulties that had existed, he had raised others. I should, however, write him now a different note from that which I had prepared, and I should make every possible effort towards conciliation.

I then called at the President's and gave him an exact account of what had passed between Vivés and me. The President formed sanguine hopes of final success from it; I did not share them. The prospect seems, indeed, to brighten when every obstacle but one has vanished, and that seeming to hang by a hair. But to my mind that one has alone been insuperable from the beginning, and will yet prove so, unless superseded by another not less insurmountable. To this Vivés himself in our conversation alluded. The mutiny of the troops at the Isle de Leon, which broke out on the 1st of January last, by their refusal to embark for the long-prepared expedition against South America, has ripened into a complete revolution of government in Spain. We have within a few days accounts that Ferdinand VII. has convoked the Cortes and sworn to their Constitution of 1812. Vivés told me that he had no authentic intelligence of this event, but that he believed it. The Constitution of 1812 declared the two Floridas to be a part of the Spanish territory, and under it the alienation of any portion of that territory by the King is expressly prohibited. Vivés said if the King had sworn to that Constitution, the power of ratifying the treaty would no longer be in him alone, though he supposed, whoever might be his Council, they would consider this as a transaction completed, and not subject to be affected by a change of internal government in Spain. This will undoubtedly make a new difficulty, if all the others are abandoned. I promised the President to prepare as soon as possible the draft of a new note.

May 1st. There was a meeting this morning of the members of the Administration at the President's—all present excepting Mr. Wirt, who has not yet returned from Richmond. The substance of my conference with Vivés on Saturday was reported, and the draft of my note was considered and approved. The general opinion was that the remaining and the new obstacle to the conclusion of the treaty were both insuperable; but Crawford was apparently not pleased that the other difficulties were removed, and especially that relating to the grants. The President also inclined to discredit the declaration of Vivés, that the grants had never formed a serious obstacle to the ratification by Spain. The secret of which is this. Of the failure of the Spanish ratification, from the operations of human nature, the President is willing to credit that, as the main cause, which is least imputable to himself, and Crawford that which is most imputable to me. The most insidious and laborious efforts have been made in the public newspapers to represent the question of the grants as the only one that had prevented the ratification, and to cast the whole blame of it upon me. To me, perhaps, as far as a question could be made on that article, it was chiefly imputable. No question could fairly be made upon it. The language of the article will not bear a question, nor, when made, is it susceptible of a fair argument. Onis attempted none. None has been attempted in Spain, and Vivés is ashamed to speak of it. Yet I cannot acquit myself in suffering the date of 24th January, 1818, to pass, and not insisting upon having it put back some months, sufficient to have prevented even the possibility of the question. It was an inadvertence, and although I am now satisfied that the ratification would have been withheld for other causes, and that this has had no operation upon the case, yet I cannot escape the consciousness of that inadvertence. Now, neither the President nor Crawford can with a very good grace lay the charge of this inadvertence upon me. For the article in all its varieties was submitted to them time after time before it was signed. They knew of the grants all that I did. The mere question of the date was one which they were as much bound to perceive as I was. The inadvertence was theirs as much as mine; but in the eyes of the world the sole responsibility of it rests upon me.

Now, the other causes of the Spanish refusal to ratify are imputable entirely to the President. The proposal to Great Britain jointly to recognize Buenos Ayres, the appointment of Judge Bland, the omission to issue a proclamation last summer against Long's expedition into Texas, and the strong leaning to South American independence in the messages to Congress, are the real causes, and it is not surprising that when they are alleged the President should prefer looking to the question about the grants. Crawford wishes the whole negotiation to fail; but, as his State of Georgia is among the most deeply interested in our obtaining possession of Florida, he disavows, perhaps, even to himself, and only betrays occasionally to others, his feelings. As he wishes it to fail, so he most especially wishes its failure to be imputable solely to me, and he therefore sees with reluctance the abandonment by Spain of the question about the grants. He made so light this morning of this abandonment that Thompson, the Secretary of the Navy, noticed it. He said he thought it was an important point gained; that many persons had supposed the grants formed the only difficulty; that many supposed the article, as it stands, confirmed the grants. To have the question upon the ratification placed on the single ground of our refusal to stipulate that we would not recognize the South Americans, was the strongest case which could possibly be made on our side, because it was a point upon which we should have the popular feeling and opinion unanimously with us.

Crawford did not press his observations in reply to Mr. Thompson. He presses nothing further than it will bear. It was agreed that I should see Vivés again, show him my note unsigned, and offer to make any alteration or addition to it which he might desire, and to which I could with propriety accede.

From the President's I went to my office, and immediately sent for Vivés. I read to him the draft of a letter as now prepared, with which he was not altogether satisfied. He suggested that there was one point upon which nothing was said in my note—which was the promise that if the treaty should be ratified the Spanish territory on our borders should be respected. It was, indeed, substantially said, and the omission to say it explicitly had not been intentional. I readily agreed to add a paragraph such as he desired. He objected to a passage in which I had referred to his explicit admission that the grants to Alagon, Puñon Rostro, and Vargas were null and void at the signature of the treaty. He said that he had then been speaking in his individual capacity, and not as Minister of Spain. I observed that it had been made a question between the two Governments; that his admission, if confined to his individual capacity, was of no use to remove the difficulty; that it was no more than his predecessor Onis had admitted in an official note; that it was a point merely of good faith, which concerned the honor of Spain, and that, as it was not intended by Spain to persist in making a point of it, I could see no reason why it should not be abandoned at once.

"Why," said he, in a hesitating manner, apparently ashamed of himself for saying it, "all grants after the 24th of January, 1818, are declared null and void—does it not follow that all grants of a prior date are confirmed?" I then showed him an original copy of the treaty, read over with him the eighth article in Spanish, and compared with it Onis's original letter of 16th November, 1818, from all which it is utterly impossible to mistake the meaning of the article. He had not a word of reply on the argument, but appeared to be very uneasy that his admission of the nullity of the grants was to be made public by my note. He said he had told me the grants were null and void; as a man of honor, he would not deny what he had said; but he was afraid he had been too quick in making the concession—that his Government might disapprove it, and he had not expected that I should refer to it in a note; I had said some things myself in our conference on Saturday which he should never think of referring to in a note.

I instantly assumed a tone as stern and peremptory as I could use, and said, "General, put into a note, if you please, every word that I said to you on Saturday, that I ever said or ever shall say to you." What he alluded to was a stress that I had laid upon the system of neutrality between Spain and the South Americans which has been avowed and maintained by the Government of the United States. I told him that we considered neutrality as forbidding any act which would be taking either side in the war; that when, two years ago, we had made the proposal to Great Britain and France to recognize the independence of Buenos Ayres, it was at a time when Onis had declared he could not under his instructions comply with our proposals, and we had no prospect of concluding with him; that the resolution then proposed in Congress tending to the recognition had been opposed by the friends of the Administration, and its renewal lately had met no countenance from them. The tendency of these remarks was to the inference that in case of the ratification of the treaty the Government of the United States probably would not precipitately recognize the independence of the South Americans; and Vivés now supposed I should be unwilling to have these remarks publicly known. Finding, however, that I had no fears of that sort, he adverted to the revolution in the Government of Spain, confirmative information of which was received by yesterday's mail. It comes from the Havanna, where the Governor had published the account of it, brought by a vessel from Corunna. He told me he had no doubt of its authenticity, and said that after such a change he could not, until he should receive new instructions, promise anything but subject to the limitation of the King's power.

I finally told him that I would send him my note unsigned, and would ask him to send me a draft of his answer, likewise unsigned, after which we could meet and mutually agree upon passages to be altered or omitted, so that both the note and the answer might be satisfactory to both sides as far as we could make it so; to which he agreed.

The result of this conference was a conviction in my mind that it would be necessary to strengthen my note a little.

Mr. Hyde de Neuville came to my house this evening. I told him General Vivés had been much less explicit and candid at the conference of this day than at that of Saturday. He had shown even an inclination to retract what he had then said. His declaration of his own personal satisfaction upon *all* the points of explanation was much feebler, and catching at qualifications, the expression of his belief that his Government would be satisfied, and would immediately ratify the treaty, more dubious and hesitating, and his apparent apprehension of the effect of the revolution in Spain much greater, than it was then. My note would propose to him that he should give the positive promise of immediate ratification which by his note of 19th April he had declared he was authorized to give, and would offer to accept it, so far as the President could accept it; that is, so far as to submit the question to the Senate for their advice and consent, whether under these circumstances the ratification of Spain should be accepted for that of the United States heretofore given. But it was now evident Vivés would not give even that unconditional promise. We could not possibly go further, and the whole correspondence must be communicated to Congress. I mentioned to him my agreement with Vivés, to send him an unsigned note and receive from him an unsigned answer, to be altered or modified as we could make them mutually most accommodating. This proposal to accept the unconditional promise of Vivés had occurred to me as a last effort to close the negotiation. The President hesitated, from an apprehension that the Senate would not give their advice upon such a promise, after having once given it for the ratification. They would not act again without the positive ratification of Spain being first given. I urged, however, first, that Vivés would probably not accept the proposal, in which case we shall, upon the rupture, have all the advantage of having offered it; and, secondly, that if he should accept it, the Senate, should they decline acting upon it, would make or give an occasion for postponement, allowing time for the Spanish ratification to come. On these suggestions, the President assented to my making this last offer. But I observed to De Neuville that it was very extraordinary that Vivés should here deny his having power to give us possession of Florida, after having told Mr. Gallatin and Baron Pasquier, at Paris, that he had such a power.

De Neuville hinted that Vivés had passed through London as well as Paris on his way here, and had seen Lord Castlereagh as well as Baron Pasquier. This was mere conjecture, and it is a part of De Neuville's policy to stir up embers between us and England. He told me that Pasquier had written the same information to him. On the whole, De Neuville said, he hoped Vivés would yet be able to make with us a satisfactory arrangement.

2d. D. P. Cook, the Representative in Congress from the State of Illinois, and T. Fuller, one of the members from Massachusetts, successively called at my house this morning. I returned to Cook a letter from N. Pope, the District Judge of Illinois, which he had some days since sent me. At the first election for Congress after the admission of Illinois as a State, Cook was a candidate, and lost the election by a few votes; at the next election Cook carried it by a small majority. McLean was both times his competitor, and lost the election for the present Congress in consequence of voting on the slavery side of the Missouri question at the last session. The election for the next Congress comes on in August, and a person by the name of Kane is to be Cook's competitor. Pope's letter speculates upon the election, and seems distrustful of the result. It shows how industriously Crawford is working there, as well as in every other part of the Union, by the means of his appointments, to promote his own future views, and says explicitly that if I have any future expectations I must interfere directly with the appointments. John Pope wrote much the same thing two years ago from Kentucky.

I have hitherto scarcely interfered with any appointments, and in no instance with a view to provide for a political partisan. At this game I have perfect demonstration that Crawford is an overmatch for me. Fuller gave me further confirmation of it by assuring me that the State of Maine was sold to Crawford—sold, he said, not for money, but for objects quite as mercenary. He asked me whether, as the slave-holder was buying up auxiliaries in our camp, some assistance against him could not be drawn from his side—how Calhoun and South Carolina were disposed? I told him that of Calhoun's disposition I knew nothing. In South Carolina there would be a party opposed to Crawford, though both the Senators from that State will be in his favor. There is also in his own State of Georgia a strong party against him, at the head of which is the present Governor; and in Tennessee all the friends of General Jackson. I added that Crawford's present reliance was chiefly upon Virginia and New York. Virginia will support him because he is a native of the State, and he has hopes from New York by means of some of the delegation from that State—I know not exactly whom. But he expects to rise there by the fall of Clinton. Fuller said it was apparent that preparations were making for a violent canvass for the Presidential election of 1824. I said there had been scarcely anything but such canvassing since 1816. He said he hoped I did not intend to withhold myself from the contest. I told him the principle of my life had been never to ask the suffrage of my country, and never to shrink from its call. If life, and health, and private circumstances admitting of it, and a belief of competency to the station, not inferior to others who may be competitors for it, should be mine after the vicissitudes of the next four years, I shall adhere to the principle upon which I have always acted. Whether any portion of the country will think of calling for my services will certainly depend upon the series of future events. I know the disadvantages on which I now stand, and am conscious of my inability to make interest by caballing, bargaining, place-giving, or tampering with members of Congress. I have been here three sessions, with a colleague in the Executive Administration who at the caucus preceding the last Presidential election was a candidate against Mr. Monroe, and came very near outvoting him; who considers himself, therefore, as quite entitled to the succession; who, as a Virginian born, is sure of the support of that State against any one not of the same origin; as a slave-holder, has the first pledge of votes from the South and Southwest; and possesses an immense patronage throughout the Union, which he exercises to promote his purposes without scruple and without restraint.

At the same time, the Speaker of the House of Representatives, a very popular man and speaker, a disappointed rival, openly avowed as a political opponent to me, and exercising against me both publicly and insidiously all his influence; while I had scarcely a single friend, personal or political, in the House, and, at the first session after I came here, not ten members with whom I had any acquaintance at all. Then it was contrived to raise a question of etiquette between the Senators and me, and between the wives of members of Congress and mine—a device despicable enough in itself, but which had produced its effect perhaps upon one-third of the members of both Houses. In the course of three sessions I have formed slight personal acquaintances with most of the members, but have had neither time nor opportunity to become intimate with any of them. My means of acquiring personal adherents, therefore, are nothing. Upon the foundation of public service alone must I stand; and when the nation shall be called to judge of that, by the result, whatever it may be, I must abide. Were it in my power, I would sink in oblivion the very idea of a Presidential election in 1824; but, forget it as I might, it would be ever present to the minds of my adversaries. The three sessions of

Congress have been three wrestling-matches to bring me down by the ruin of Mr. Monroe's Administration. The first and second attempts failed. That of the present session has been favored by circumstances. The Missouri question is indeed a flaming sword that waves round on all sides and cuts in every direction; but the baseness of the King of Spain has played the game into the hands of Clay, and that which at the close of the last session appeared to be the most fortunate of events to me, is now the most powerful engine wielded against me. In Congress, and in the nation, the most indefatigable efforts are made to represent me as singly and exclusively responsible for everything that can be exhibited as odious, unpopular, or unsuccessful in Mr. Monroe's Administration, and efforts not less laborious are made, whenever anything prosperous or popular occurs, to deprive me even of my portion of it. This cabalistic influence is of itself sufficient, eventually, to put me down. May the blessed Disposer of events shield me from the calamity of contributing to the same event by misconduct or incapacity of my own! Fuller told me that he should wish to have another conversation with me before the close of the session; to which I agreed.

I called at the President's, and reported to him the substance of my conferences yesterday with Vivés and with Hyde de Neuville; told him it was now certain we could conclude nothing with Vivés, and showed him an additional paragraph which I thought necessary to close my note. He approved it, but requested me to show it to the other members of the Administration. While I was at the President's, Mr. Lowndes and Mr. Holmes came there, and the President called them in, and conversed with them in my presence concerning our relations with Spain. He told them the correspondence with Vivés would be sent to Congress in a few days, probably next Saturday. He intimated the probability that he should recommend an Act to authorize the occupation of Florida. Holmes declared himself willing to support that measure, and Lowndes considered himself already pledged to the same course. He thought, however, that the session being so near its close, it would be very difficult to get it through Congress. He was also of opinion that the late change in the Spanish Government would dispose many of the members to postpone every measure of hostility, though it might incline others to more decisive promptitude.

Going from the President's, I called at the office of the Secretary of the Treasury, and showed him the additional paragraph prepared for my note to Vivés. He approved it, but expressed again his regret that so much of the differences between us and Spain had been removed by the personal conferences between me and Vivés. He was apprehensive that, seeing us so near agreed, Congress would be less disposed to adopt vigorous measures, and thought that if my note, as prepared before the conferences, had been sent, and the correspondence then communicated to Congress, they would immediately have passed an Act for the occupation of Florida. Whether they would now was more doubtful, and he took it for granted that unless the present moment should be seized we should never get Florida but by war. With this opinion I concur, but not in the theory that the more causes of rupture we should keep open the more ready would Congress be for decision. If we had avoided the last attempt to come to an agreement, we should have been chargeable with precipitation and with premeditated aggression. By reducing the subjects of difference to a single point, and that a point upon which we have the unanimous support of this country—by proving upon all the rest that we go the utmost possible length consistent with principle to avoid a rupture, seems to me the truest policy, and makes the best case for Congress to act upon with energy. After returning to my office, I sent to Mr. Calhoun and Mr. Thompson, requesting them to call as they should be going home; which they did. They approved the additional paragraph to my note.

3d. Mr. Thomas Lloyd Halsey, heretofore Consul at Buenos Ayres, and dismissed for misconduct, came again to my office, attempted again to exculpate himself, and solicited to be restored to the appointment. The reasons which he assigned for his conduct were quite inadequate to his justification. He had been charged with extorting unlawful fees in his Consular capacity, for which he had nothing to allege but that he had followed the example of the Consuls at Gibraltar and Lisbon. He had sent blank commissions for privateering from Buenos Ayres to this country, stipulating that the prizes should be sent to Buenos Ayres, consigned to him, with a commission for him of five per cent. upon the sales. He had gone over to Artigas, bought blank privateering commissions of him, and sold them at Buenos Ayres, in violation of the laws of the place. He had once been ordered to quit Buenos Ayres within twenty-four hours by the Supreme Director Pueyrredon, and De Forrest came with a positive demand that he should be removed. For his privateering concern, he had only to say that he thought it accorded with the views of this Government, because Aguirre had been suffered to build armed ships here and send them to Buenos Ayres, because there had been so many armaments from Baltimore under the eye of the Government which had not been prevented, and because Carrera had been particularly assisted from this country.

I told him that nothing of this was justification for him. The Government had never in any of those cases either sanctioned or connived at any violation of the laws, which they must have done by leaving his conduct unnoticed. He then said he had a claim against the Government of Buenos Ayres, in behalf of which he desired the interposition of this Government, and left the papers concerning it with me for examination. He had also a Consular account to settle at the Treasury, many charges of which, the Fifth Auditor, Pleasanton, declined admitting, without my approbation. He left this account also with me. I sent my unsigned note to General Vivés.

4th. Mr. Hyde de Neuville brought to me at the office an unsigned note from General Vivés in answer to mine of yesterday. We read them over together, and then recurred to passages the omission of which might be desirable on one side or the other. It was immediately apparent that Vivés had introduced several passages in his note with the expectation that they would be obnoxious to me, and with the view to make the omission of them a condition upon that of the passages in my note which asserted his explicit admission that the grants opinion that the late change in the Spanish Government would dispose many of the members to postpone every measure of hostility, though it might incline others to more decisive promptitude.

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De Neuville took great pains to convince me that the grants were unconditionally abandoned in the draft of Vivés, and pointed to a particular passage where he says he hopes the King will be satisfied upon the *single* point remaining unadjusted between us. I replied that in the second conference Vivés had told me that this single point, left open, raised another, namely, that about the grants; and that was the reason why he was so anxious to take back his concession concerning them. He was ashamed to discuss this point, and yet wanted to use it as a make-weight in negotiation. But the question upon the grants was merely a question of good or bad faith in Spain. The question about South America was a distinct object of negotiation for assent or denial. I would not permit one of these points to be made conditional upon the result of the other. Good faith was not to be made an affair of barter for an equivalent.

De Neuville then proposed several turns of phrase for Vivés's note, seeming to abandon the grants and masking the idea of the condition, and asked me if I would be satisfied with it so.

I told him at last that General Vivés might modify that part of his note as he pleased; I should certainly see whether his abandonment of the grants is explicit or conditional. If explicit, I will omit from my note all reference to what passed between us in conference; but if conditional, whatever effort he may make to veil the condition, I shall see through it, and shall leave the appeal to his own consciousness of what he said to me in conference, as it is in my unsigned draft.

There was another insidious passage in the note of Vivés. After observing that the explanations on the South American point were not such as he had been authorized to accept as satisfactory, he says he shall nevertheless report to the King the verbal discussion which he had with me concerning it, and add suggestions of his own, which he believed would induce his Government to accept them and to ratify the treaty. De Neuville said he had told Vivés that he ought to omit that reference to our verbal discussion; but I expressed no particular desire that it should be omitted. I told him I had said nothing in conference but what I was willing he should put into the note, but this reference to it in general terms, without specifying what I had said, might excite suspicions that I had given him private promises different from the tenor of my public notes. I should prefer that he would particularly specify what I had said to him, as I had done with him in reference to the concession about the grants. De Neuville then left me, taking with him both the notes, to ascertain what Vivés would determine. The passages were marked in both notes which I was willing to omit, and would, if omitted, shorten mine by more than one-half.

5th. Mr. Hyde de Neuville called this morning at my house with the two unsigned notes; that of General Vivés in a new and fair copy, varied in one point materially from that of yesterday, by asserting that I had told him in conference that, if necessary, new laws should be made to secure respect for the Spanish territory. With respect to the passages which we had yesterday marked for omission, Vivés consented to omit them all, but could not consent to abandon unconditionally the question about the grants. It must be subject to the King's accepting as satisfactory the explanations concerning South America. I then said, with more temper in the manner than I could justify to myself afterwards, that I should not omit the reference to what Vivés had told me of the nullity of the grants, for if Spain would make fair dealing an article of negotiation her conduct must be exposed to the world in all its nakedness. I added that Vivés could have no possible motive for this pertinacity, after his admissions, but positive instructions; and those instructions must have been given with the determination that he should conclude nothing. I was yet willing to omit the other passages in the two notes which we had marked, but De Neuville said unless I would consent to leave out the reference to the acknowledgment of Vivés that the grants were null and void, he would prefer leaving both notes as they were. To this I assented, but observed that I had not promised General Vivés that new laws should in any case be enacted. I had told him that whenever the existing laws had been found by experience insufficient for the preservation of our neutrality, new laws had been enacted. I could not promise that new laws would be enacted, for that depended upon the legislature.

I then asked him what Vivés said of his declarations to Mr. Gallatin and Baron Pasquier at Paris, that he was authorized to make an arrangement with us to give us possession of Florida without waiting for the ratification of the treaty. "He says you may print whatever you please; that he never told either

Baron Pasquier or Mr. Gallatin any such thing." De Neuville then added that he was convinced Vivés had not said so; that Pasquier in his dispatch to him had only said *he had reason to believe* Vivés possessed this power, not giving it as positive; and that Vivés had shown him the minutes of his own journal, taken down at the time, immediately after his conversations with Pasquier, in which nothing like such an assertion of Vivés appears. De Neuville further said he supposed it was all a misunderstanding, which originated with the Duke of Fernan Nuñez, the Spanish Ambassador at Paris; that he had, upon mere conjecture, intimated to Pasquier and Gallatin that probably Vivés had such a power; and that Pasquier and Gallatin, taking it for granted, had spoken of it in general terms to Vivés, to which he, also in general terms, had assented. I observed that this was scarcely possible, and was quite irreconcilable with Gallatin's letter. The assertions of this are, first, that Fernan Nuñez told him that Vivés was authorized to give a satisfactory pledge for the ratification; secondly, that Vivés afterwards confirmed this to Gallatin, and told him the security consisted in giving us possession of Florida without waiting for the ratification; thirdly, that Vivés gave the same information to Baron Pasquier, at a separate interview, when Gallatin was not present; fourthly, that Gallatin had a subsequent interview with Pasquier, at which they both agreed in their understanding of what Vivés had separately said to them, and in the importance of its being immediately made known to the Government of the United States.

De Neuville said that, notwithstanding all this, he was convinced it had been a misunderstanding; and so it certainly may have been. De Neuville left my own note with me, and took back that of Vivés to him, for his decision whether the marked passages, other than that upon the grants, should be struck out or retained. I expected Vivés himself all the morning at the office, but, as he did not come, near four o'clock I went over to the President's to report to him what had passed between De Neuville and me. I met De Neuville, coming from Vivés, on the way, and he told me the General had concluded to pass the two notes as they were, without striking out any of the marked passages, as I adhered to that of his admission in the first conference, that the grants were null and void. I made a full report to the President of the two interviews with De Neuville; and General Vivés not appearing, I signed and sent him the note dated the 3d instant. Mr. Lowndes and Mr. Calhoun called at my house this evening. There was a new report circulated this day, coming by a vessel from Gibraltar, that the ratified treaty had been sent from Madrid by an American Consul, who had embarked at Malaga and sailed for the United States in the brig Edward Foster, to which I gave no sort of credit. While Calhoun and Lowndes were with me, I received the note from General Vivés, signed; upon which they immediately withdrew.

6th. The two Senators from Rhode Island, Burrill and Hunter, came to intercede for T. L. Halsey to obtain his reappointment as Consul at Buenos Ayres. I repeated to them all the charges which stand proved against Halsey, showing that he is not a trusty man, and that he had made himself as obnoxious to the Government at Buenos Ayres as to his own; that I believed, therefore, it was quite out of the question that he should be sent there again; that my own opinion in the case was decisively made up, but that the decision would of course be made upon that of the President. They asked me if I thought it probable the President would decide in favor of Halsey if they should call upon him. I told them I wished they would call upon him, for, as I had and could have no possible motive for ill will personally towards Halsey, I wished he might have the benefit of everything that could be said in his favor, but I had no reason to believe that the President's opinion would be changed in this case. They left me, intending, as I supposed, to call upon the President, but they did not.

Messrs. Dana and Otis, Senators from Connecticut and Massachusetts, also called successively at the office upon private business of their own, and perhaps to ascertain the state of the Spanish negotiation. Otis goes to-morrow or on Monday for Boston. I told him the message would probably be sent in to Congress on Monday, and would recommend again the postponement of the subject until the next session; upon the ground of the late change of government in Spain. Otis intimated that the President had disclosed to individual members of Congress the actual state of the negotiation. This insinuation was perfectly characteristic in Otis. I told him that the President occasionally disclosed circumstances of negotiation to members of Congress because he considered it safe and useful so to do, and sometimes to gratify their curiosity; I sometimes did the same thing, and perhaps with less discretion than the President; but many members of Congress had little scruple as to the time or character of their enquiries, and it was better to tell them at once what could be told without material inconvenience, than to doubt the propriety of their enquiries or to give them evasive answers. Otis himself has been as inquisitive as any one, and called two or three times within the week at the office, upon other affairs, to know exactly the phase of the political planet.

At one o'clock there was a meeting of the members of the Administration at the President's. He had prepared the draft of a message to Congress to be sent with the correspondence between me and Vivés, but he was undecided whether to conclude by recommending a law for the immediate occupation of Florida, or a law giving a discretionary power for taking possession in the event of the non-ratification by Spain, or a postponement of acting upon the subject until the next session. He had drawn different concluding paragraphs corresponding to these different views. Mr. Crawford's opinion was very decisive in favor of an immediate occupation; he said it was the last chance of obtaining the ratification of the treaty—it would be completely justified by the conduct of Spain. If we should take possession now, the new Government of the Cortes, finding us in possession, would consider it as an affair concluded before they came into power, and would not object the article of the Constitution against it. And if they should, we should have henceforth the advantage of negotiating with the object of negotiation in our own possession. But if we should not take possession now, we should never hereafter obtain Florida but by war. By an article of the Spanish Constitution of 1812, to which the King has now sworn, he is expressly prohibited from alienating any portion of the Spanish territory, however small, and by another article the two Floridas are declared a part of the Spanish territory. There is no power given in the Constitution to the Cortes themselves to alienate the Spanish territory. They are to approve, before ratification, treaties offensive, of alliance, or subsidy, and special treaties of commerce, but the Constitution offers no lawful means of alienating territory. If, therefore, when the Cortes assemble they find us already in possession, they will be glad to seize upon that incident to consider the whole affair as settled and out of their competency; or if otherwise, they will be too much engaged in affairs of more interest to themselves to go to war with us at this moment, and we may indulge their scruples as to the right of negotiating as long as they please, holding in the mean time possession of the country.

In this opinion I concurred so far as to believe it indispensable that Congress should authorize the President to occupy the territory. Armed with this power, the President might give notice to the Spanish Government that the ratification of the treaty would yet be accepted, but that in any event the territory would be occupied. To the same opinion Mr. Thompson and Mr. Wirt inclined.

Calhoun was decidedly for recommending to Congress to postpone acting upon the subject till the next session. His first argument was the want of time. Both Houses have agreed to adjourn next Monday week, the 15th. There is, therefore, only one week that they have to act, during which they will be excessively oppressed with other business. The members are all impatient to go home, many are already gone, and numbers will be falling off every day next week. Upon a measure so important as that of directing or authorizing an act of war, Congress will be extremely reluctant at acting at such a stage of the session, and, even if there should be little debate, a week is scarcely sufficient for a bill to go through the ordinary forms in both Houses.

To this I replied that the mere convenience of the members of Congress ought to have no weight upon an occasion so important as this. It would be a public duty, which Congress must discharge upon their own responsibility. If they have not time within the term upon which they have agreed for their adjournment, they can fix the close of the session at a more distant day.

Calhoun then said that after the recent change in the Government of Spain it would be impolitic and quite contrary to the feelings of the people of this country to begin by an act of hostility to them. It was very doubtful whether a majority in Congress would at any period of the session have authorized the occupation of Florida. He was convinced they would not take such a step now. The result of the recommendation would be, therefore, a disagreement between the Executive and the legislature. The distressed situation of Spain had been suggested by the message of 27th March as a reason for postponing any decisive measure till the next session; the same reason still continued, and the message might say something favorable of the recent revolution there, which would bespeak the good will of those newly come into power.

This became at once a leading idea. But it was observed that the distressed state of Spain was mentioned in the message of 27th March as a reason for delay, to wait for the arrival of the Minister who was to come for explanations, as it was supposed those circumstances might have delayed his departure: this could not now be assigned. Mr. Wirt recurred to the message, and thought that the effect of the distress in delaying the departure of the Minister was assigned distinctly as a separate reason from that of the distress itself. But I reminded him that when that message was discussed it was introduced as a modification which was thought necessary to warrant any reference to the state of Spain, and to avoid any appearance of disapproving the movement of the troops at the island of Leon. The reason now to be assigned must obviously be altogether different; and I suggested that, instead of referring to the condition of Spain as distressed, it should rather be presented as one of relief from distress, and of hope. A revolution favorable to the prospects of the people had been accomplished. An oppressive and detestable despotism had been destroyed. The Inquisition had been abolished; the press made free; the prisons opened and disgorged of all their political victims; and all this effected with unexampled moderation, without any sacrifice of blood, except the massacre at Cadiz, of which the people were not the authors, but the sufferers. There had been no popular violence, no outrages upon humanity. The message might express the hope that the revolution would promote the happiness of the Spanish nation, and derive a presage of that result from the moderation and humanity which have hitherto attended its progress.

The President determined to take this into consideration. A question was made whether it might not be necessary to postpone sending the message to Congress until Tuesday. It has been expected every day this week, and the impatience for its appearance is excessive both in and out of Congress. But by a handbill from Boston, received by the mail of this day by Mr. Otis, and which he sent me, it appears that the brig Edward Foster arrived there from Malaga last Tuesday, and that Richard S. Hackley, formerly Consul at Cadiz, came passenger in her, with dispatches from Mr. Forsyth. The rumor of his having brought with him the ratified treaty proves as groundless as other rumors from the same source. As he is, however, said to have left Madrid the 21st of March, it seems necessary to delay the message until his dispatches arrive. It was agreed on all sides that there was nothing in the note of Vivés which of itself could warrant a recommendation to Congress to postpone acting until the next session. Mr. Thompson thought the tenor of his note insulting, and all thought it quite unsatisfactory. I said perhaps it would be proper to reply to it before sending the papers to Congress. This was left undecided; but the President twice intimated to me that, for my own sake, I should write to ask Vivés what he meant by the *verbal discussions* with me which he proposes reporting to his Government and urging as motives for them to be satisfied with the explanations concerning the South American point. He thought that, if left unexplained, that passage might give rise to insinuations like those of Genest against Mr. Jefferson, that I had a language official and a language confidential. On returning to my office, therefore, I immediately wrote Vivés a note, asking him to specify what I had said in the verbal discussion to which he alluded, and which he proposed reporting to his Government. I left orders at the office to have it open to-morrow after the arrival of the mail, in expectation of receiving the dispatches brought by Hackley.

7th. In reflecting upon the correspondence with General Vivés, I became more and more convinced that a reply to his last note, and indeed to all the argument yet unanswered in all his notes, would be necessary to go with the papers to Congress. The impression upon the whole would otherwise be, not only dissatisfaction with the result, but with the defective maintenance of our side of the question. A great part of the note prepared before my conference with Vivés of 29th April, which was omitted from my note of 3d May, becomes again proper to be said, and a general review of the whole negotiation will be useful to concentrate the opinions of Congress and of the public. It was necessary to do all this, and to have three copies of the paper ready to-morrow, one for Vivés and two to be sent to Congress with the message. While I was thinking how to accomplish this, I received a note from the President, whose slumbers last night were, I believe, not more quiet than mine. He desired me to send him a copy of the translation of Vivés's last note, and suggested to me the propriety of my seeing this day Mr. Poletica, the Russian Minister, and informing him of the course of the negotiation and of the substance of the message about to be sent to Congress. I had given last evening to Mr. Bailey the translation of the note from Vivés, requesting him to have two copies of it ready in the course of this day. I now called on him at his lodgings, took a copy of the note which he had ready, and desired him to make immediately the other copy, and to call upon the messenger and have the office of the Department opened, and to attend there himself. I then went to the President's, and met at his door General S. Smith, Chairman of the Committee of Ways and Means, who, seeing me, went away, saying he would call again. I told the President I had received his note, and asked him whether in seeing Mr. Poletica it was his intention that I should tell him what the purport of the message to Congress would be. He said that had not been definitely his intention. But as we had communicated quite confidentially with the French Minister during the progress of the negotiation, he had thought it might be gratifying to Poletica and to his Government if we should manifest the same confidence in him. I observed that the confidence in De Neuville had been merely in continuation of the part which he had taken in the former negotiation; that Vivés came instructed to consult, and had consulted him; that he had sought our confidence, and interposed under instructions from his own Government. This was not the case with Poletica. His instructions had been to plead the cause of peace and concord at Washington till Vivés should come, but not to use or attempt any influence upon the negotiation. Accordingly, although always as inquisitive and eager for information upon the policy and intentions of this Government, he has been since the arrival of Vivés invariably reserved, has never spoken to me of the negotiation, and has rather avoided than sought any opportunity for private conversation with me; a course remarkably differing from his ordinary practice. Under these circumstances, if I should now send for him merely to communicate that which in two or three days will be public by the message to Congress, I apprehended it might have an appearance as if we were inviting his interference to exercise influence upon Vivés, either by persuasion or intimidation.

To this the President assented, and gave up the idea of my seeing Poletica. I found him yet undetermined how he should conclude the message to Congress, but he had prepared a paragraph expressing the ideas yesterday suggested by Calhoun and me; a hope that the recent change of Government in Spain would promote the happiness of the nation, a commendatory notice of the moderation with which it had been conducted, and a confidence of obtaining justice from the new authorities. I observed to him that the paragraph in Vivés's last note concerning the change in Spain was equivalent to a declaration that he considered his powers suspended until he should receive further instructions.

He admitted it would bear that construction, but advised me to ask a further explanation from Vivés of his meaning. I recurred again to the necessity of a final reply to Vivés, including a review of the negotiation, and he agreed that I should prepare one. I then went to my office, and prepared the draft of this closing note. I took the part of the draft which had been prepared before the first conference, and which is yet applicable, to which I prefixed a new introduction and annexed a new conclusion; then took the whole over to the President, who approved it without alteration. The President concluded not to send the message to Congress till Tuesday, and desired me to inform Mr. Lowndes, the Chairman of the Committee of Foreign Relations, so that, if necessary, notice should be given to the House of Representatives. Between six and seven in the evening I returned home to dinner, after calling upon Lowndes and giving him the information as desired by the President.

8th. Mr. Bailey called this morning at my house with the note to General Vivés, ready to be signed, which he said he had been engaged upon the whole night, and had finished at four o'clock this morning. The copies of it to go to Congress had also been prepared. There was a Cabinet meeting at the President's at ten o'clock, fully attended. My draft of a note to Vivés was there read and approved, and it was sent to him. I had yesterday received his answer to my short note of Saturday, saying that the verbal discussions to which he had referred were contained in our respective notes of the 3d and 5th instants. The President read the draft of the message which he had prepared, closing with a recommendation that Congress should postpone acting upon the treaty till the next session, in consideration of the revolution in the Spanish Government. No objection to this course was now made, though Crawford and myself concurred in the opinion that it was substantially giving up the last chance to obtain the ratification of the treaty. Crawford still thought the best measure to be taken would be the immediate occupation of Florida. My opinion still is, that the best measure would be that Congress should authorize the occupation at the discretion of the President, leaving Spain still the alternative of ratifying the treaty during the summer. But, as it is now apparent that Congress would neither pass a law for the immediate occupation nor authorize it at the President's discretion, I am satisfied that the course upon which the President has fixed is the best now practicable. There was, however, an adjournment to wait for the arrival of the mail, and of the dispatches from Forsyth. R. S. Hackley arrived with them, and brought them to my office. Hackley sailed from Malaga the 27th of March, and brought papers from Madrid of the 21st, but his dispatches from Forsyth were of a date no later than the 10th of March. The King had taken the oath to the Constitution of 1812 on the 7th, but when Forsyth wrote there had been no change of the Minister of Foreign Affairs, and no official communication of the King's acceptance of the Constitution to the foreign Ministers. Afterwards, and before Hackley left Spain, the Duke of San Fernando had resigned, and a Mr. Perez de Castro had been appointed Minister of Foreign Affairs in his place. But there is no communication of this event from Mr. Forsyth, nor anything in the dispatches from him which would require any alteration in the message to Congress. The Cabinet meeting was resumed at two o'clock, and the dispatches were then read and considered. They confirmed so fully the fact of the revolution in Spain as to leave no possible doubt of the propriety of referring to it as the motive for recommending to Congress a postponement of proceedings upon the subject. The message is to go to-morrow. Mr. Clay, the Speaker of the House, this day gave notice that he should on Wednesday call up the resolutions offered by him some time since, one of which was for making an appropriation by law for a Minister or Ministers to be sent to South America.

9th. The message to Congress, with copies of the correspondence between me and General Vivés, was this morning sent in. The President called at my office. After the message was sent in, I received from General Vivés a short reply to my note of yesterday's date. I received a note from the President mentioning that he had just been informed by Governor Lloyd, one of the Senators from Maryland, that A. Gallatin's letter of 15th February had been communicated to Congress with the documents this morning, and that as it makes a case bearing hard upon the individual, it may be so considered by our friends and others. It seemed also to intimate that he did not intend that this paper should have been sent in with the rest. He had, however, assented some days since that it should be sent, and never since expressed a change of opinion or hesitation concerning it. He desires me to see Vivés, inform him that Gallatin's letter was sent to Congress, and offer him an opportunity to make any remark upon it that he shall think proper, with a promise of communicating it in like manner to Congress. I told the servant who brought the note to tell the President I would pay immediate attention to it. Vivés was here, and I immediately mentioned the subject to him. I told him the substance of Gallatin's letter, and explained to him the necessity there had been of communicating it to Congress, adding that any remarks upon it which he would address to me should also be communicated to that body. He thanked me for the offer, and said he would prefer waiting till the documents should be published before he would reply; that he never had said either to Baron Pasquier or to Mr. Gallatin that he was authorized in any event to give us possession of Florida without waiting for the ratification of the treaty. It appeared to him an absurdity to suppose that, even if he had possessed the power, he should have disclosed it to Mr. Gallatin the only time that he had ever seen him, which was at dinner at Baron Pasquier's. He then related the conversation which had passed between them, agreeing precisely with the statement of it by Gallatin in every particular excepting that. Vivés manifested no dissatisfaction at the communication of the document to Congress, but the French Minister, Hyde de Neuville, showed some uneasiness at it. I reminded him, good-humoredly, that the message he had brought me from Vivés, on his being informed of this letter of Gallatin's, had been, "Print whatever you please." That, he said, was true; but then this paper implicated also the accuracy of Baron Pasquier, and he (De Neuville) was sure Vivés never had said what Pasquier and Gallatin had understood him to say. It had all been some officious and unfounded exposition of Fernan Nuñez. But Pasquier did not like to have these extra-official and, in some sort, confidential letters or conversations brought before the public. In one of his first letters to him (De Neuville) he had observed that such a practice precluded confidential intercourse. I replied that this sort of publicity arose from the nature of our Constitution, in which negotiation with foreign powers was entrusted to the Executive, but war could be declared only by the legislature. Whenever the relations with a foreign power are in such a state that action must be substituted for negotiation, the whole case must be laid before Congress. They must know everything, and nothing can be communicated to them without being made known to the public. In the present case, if Mr. Gallatin's letter had been withheld, and it should hereafter have been discovered that it existed, it would have recoiled upon the Executive, in charges of having suppressed material evidence in its possession. I told Vivés that the President had recommended to Congress to postpone acting till the next session; with which he appeared to be satisfied. R. S. Hackley was at our party, and gave me some further details of the revolution in Spain.

10th. Mr. Clay called up this day his proposed resolution, that it will be proper to make an appropriation by law for one or more Ministers who may be appointed by the President, by and with the advice and consent of the Senate, to the Governments of South America. He supported this resolution by a speech, and, after a feeble opposition by Sergeant and Lowndes, it was reported by the committee of the whole to the House, and there adopted by yeas and nays, eighty to seventy-five, much to his own surprise and to that of almost everybody else. Various causes contributed to this result, among which the most powerful was the failure of the negotiation with Spain, and the papers yesterday communicated. It is generally considered, and particularly by him, as a victory obtained against the Administration, or rather, as it undoubtedly is, a party triumph over the Secretary of State; for the policy of the Administration with regard to Spain and South America is now universally imputed to me alone, precisely because it has been unsuccessful. To me its general character is perhaps justly ascribed; but its failure is owing, first, to the treachery of Spain; secondly, to the proposal made two years ago to Great Britain for a joint acknowledgment of Buenos Ayres; thirdly, to the strong leaning in the President's messages to Congress in favor of the South Americans; fourthly, to the omission to issue a proclamation last summer against Long's expedition into Texas; fifthly, to the appointment of Bland as United States District Judge in Maryland. None of these measures have been mine, nor have they been congenial to the rest of the system. They have been compliances with the popular sentiment in favor of the South Americans—compliances, perhaps politic, to counteract the invidious misrepresentations of Clay and his partisans, of the President's partiality against the revolutionists; but suited to give Spain the pretext which she has seized, and having in fact given it. Whether the policy which I should have pursued would have been more successful, I have not confidence enough either in myself or in fortune to pronounce. "It is not in man that walketh to direct his steps." I believe it would have secured the ratification of the treaty; and that would have been a splendid success to the President and his Administration. I saw, however, enough of cabalistic operation at the time when the treaty was signed, and see enough of it now, to know that in that event two sets of arguments would have prevailed: one, that the treaty was a bad one—which is Clay's; the other, that the treaty was good, and generally creditable to the Administration. My share in it would have been veiled. The run of luck is now in favor of Clay, but he yet dreads the ratification of the treaty; and among his motives for bringing up his resolution of this day was that of renewing the alarm of Spain, and thereby preventing again the ratification by her. Clay treats me as Paul Jones charged Landais with treating him. While the Bonhomme Richard and the Serapis were grappled together yard-arm and yard-arm in the deadly heat of the battle, Landais brought up the Alliance to bear crosswise upon both, and, pouring her broadsides in upon friend and foe indiscriminately, raked them both fore and aft at once, and did as much damage to his own associate as to the enemy. Military and political rivalry produce the same effects, and a General must win his battles and a Statesman carry his policy against the adversaries in their own quarters, no less than against those in the camp or cabinet of their opponents.

Clay this day gave notice that it was his intention shortly to retire from public life, and he has publicly notified the people of his district that he shall not offer himself as a candidate for Congress at the next election, in August. This is owing to the embarrassed state of his private affairs, which makes it necessary for him to return to the practice of the bar.

I received this morning a note from D. Brent, saying that the President wished to have Mr. Gallatin's letter of 15th February *withdrawn* from the documents communicated to Congress with the message. I called, therefore, at the President's and informed him of what had passed between me and Vivés last evening on the subject. It was apparent that some one besides Governor Lloyd had been starting objections against the appearance of this paper. I presume it to be Crawford. For the President knew that Vivés had produced to De Neuville his minutes of the conversation with Gallatin, containing no trace of the admission that he was authorized to give us possession of Florida without the ratification. If it is Crawford, he probably thinks that Gallatin will finally be found to have misunderstood Vivés, and will lose character by it for accuracy; that he will then be offended at the publication of his letter, and believe it was done purposely to expose him; that if his letter could now be withdrawn it would have the appearance of having been sent in by me against the President's intention, fix Gallatin's resentment pointedly upon me, and impress him at once with an opinion of Crawford's influence in obtaining the withdrawal of the paper, and of his personal friendliness to Gallatin in opposition to me. These are only suspicions; but they may be unfounded. The suspicion that I had a thought unfriendly to Gallatin in sending his letter with the other papers to Congress would be totally unfounded. I thought it indispensable to make the case for Congress to consider, and did not believe that Gallatin had misunderstood Vivés. Perhaps I ought to have thought of this possible effect upon Gallatin's reputation, of the appearance of the document, and to have withheld it. Now, however, to withdraw it would only be giving it more éclat, and could have no good effect whatever. The President was satisfied upon hearing that Vivés had agreed to reply on the publication of the papers. I received this day a note from Vivés, officially communicating the King's having sworn to the Constitution of 1812, and enclosing a printed copy of his proclamation to the nation of the 12th of March last.

11th. Mr. Hyde de Neuville called at my house to inform me that he should now shortly take passage in the French frigate lying at Annapolis for France, upon leave of absence, expecting to return to this country for the commencement of the next session of Congress; and, referring to the resolution which passed yesterday in the House of Representatives, on the motion of Mr. Clay, told me that he should be glad to know what would be the views of this Government on the subject. I told him that the vote of yesterday was undoubtedly the result of the communication made to Congress the day before; that Spain must thank herself for it; that the President intended no change of policy with regard to South America for the present, but that the time when the acknowledgment of the independence of some of the South American provinces would be proper was obviously fast approaching, and since the change in the Spanish Government I had no doubt it would soon be countenanced by the other European powers, and even by France herself. I received this day the note from General Vivés denying that he had said to Baron Pasquier or Mr. Gallatin that he was authorized to give us possession of Florida without waiting for the ratification of the treaty. De Neuville mentioned this subject also, and admitted that the communication of Gallatin's letter to Congress could not well have been avoided.

12th. Mr. Jonathan Roberts, one of the Senators from Pennsylvania, came and spent a couple of hours of this evening with me. Roberts was bred to a mechanical profession, and is one of those men who, by their talents, and by the prevalence of democracy in Pennsylvania, have risen to the high distinction of his present station. Roberts has been nine or ten years a member of the Senate, and possessed a considerable share of influence in that body. "Par negotiis nec supra." But no popularity lives long in a democracy. The affections of the multitude clog upon satiety and are ever bent úpon change. Roberts's Senatorial term of service expires with the next session of Congress, and it is said there is no prospect of his being re-elected. Pennsylvania has been for about twenty years governed by two newspapers in succession: one, the Aurora, edited by Duane, an Irishman, and the other, the Democratic Press, edited by John Binns, an Englishman. Duane had been expelled from British India for sedition, and Binns had been tried in England for high treason. They are both men of considerable talents and profligate principles, always for sale to the highest bidder, and always insupportable burdens, by their insatiable rapacity, to the parties they support. With the triumph of Jefferson, in 1801, Duane, who had contributed to it, came in for his share, and more than his share, of emolument and patronage. With his printing establishment at Philadelphia he connected one in this city; obtained by extortion almost the whole of the public printing, but, being prodigal and reckless, never could emerge from poverty, and, always wanting more, soon encroached upon the powers of indulgence to his cravings which the heads of Departments possessed, and quarrelled both with Mr. Madison and Mr. Gallatin for staying his hand from public plunder. In Pennsylvania, too, he contributed to bring in McKean, and then labored for years to run him down—contributed to bring in Snyder, and soon turned against him. Binns in the mean time had come, after his trial, as a fugitive from England, and had commenced editor of a newspaper. Duane had been made by Mr. Madison a Colonel in the army; and as Gibbon, the Captain of Hampshire Militia, says he was useful to Gibbon, the historian of the Roman Empire, so Duane, the Colonel, was a useful auxiliary to Duane, the printer, for fleecing the public by palming upon the army, at extravagant prices, a worthless compilation upon military discipline that he had published. But before the war with England was half over, Duane had so disgusted the army and disgraced himself that he was obliged to resign his commission, and has been these seven years a public defaulter in his accounts, to the amount of between four and five thousand dollars, for which he is now under prosecution. Snyder, assailed by Duane, was defended by Binns, who turned the battery against him, and finally ran down the Aurora, so that it lost all influence upon public affairs. In 1817 Snyder's constitutional term of service expired. There was an election, furiously contested, for his successor. Binns supported Findlay, who succeeded. Duane's candidate was Heister, and the federal party generally united in his favor. For Binns had acquired and exercised an ascendency over Snyder as obnoxious as that of Duane had been, and it was supposed he would have a control equally odious over Findlay. This did not, however, so turn out; but for resisting Binns's attempts to exercise it Findlay soon lost his support, and for these two years Binns has been making the most violent exertions to overthrow him. The election is to come on next September. Binns's project first was to bring in Snyder again, but, that being disappointed by Snyder's death last November, he made a feeble attempt to bring forward the name of Roberts. Duane and his party, however, adhere to Heister, and Binns, who overstrained his energies by an abortive attempt to get Findlay impeached at the last session of the Pennsylvania Legislature, has lost himself and all prospect of influence upon the election. Roberts, who, while the enquiry into Findlay's conduct was before the Legislature, spoke doubtfully of its result and rather unfavorably of Findlay, now told me without hesitation that Binns had ruined himself, and that he (Roberts) had most earnestly dissuaded him from attempting the impeachment, from the full conviction that such would be the result. Roberts himself apparently feels the weakness of his hold upon public employment, and has expectancies from the Executive of the United States. The President has a great regard for him, and, I have no doubt, will remember him in due time.

13th. I had this day a visit at my office from Mr. Manuel Torres, the Chargé d'Affaires from the new republic of Colombia. Mr. Zea, one of the Vice-Presidents of the republic, had been appointed on a mission to the United States and to Europe. He had proceeded on his way as far as the island of St. Thomas, where Torres said Commodore Morris had seen him, and he expressed his surprise that Morris had not brought him dispatches from Zea. It was now reported in the newspapers that Zea, instead of coming to the United States, had gone back to Angostura—which he could scarcely believe; because in that case Zea would certainly have written to him and given him notice of the change; for in the event of Zea's not coming here he himself was instructed to make to the Government of the United States the proposals with which Zea was charged. If Zea had really returned, he was sure there had been some intriguing on the part of the English to prevent his having communication with Commodore Morris and to avert Zea from coming here. He should wait, therefore, a reasonable time to ascertain whether Zea had gone back, and, if so, should address the proposals to me. The first of them would be the recognition of the republic of Colombia. This he should not press unseasonably upon this Government. His own was perfectly satisfied with what has been done by us, and was willing to wait our own time for the measure; but the object of his Government was the total emancipation of all South America. There was a mutual understanding upon the subject between his Government and those of Buenos Ayres and of Chili. The late revolution in Spain would produce no change in their determination to maintain their independence. The Cortes might pursue what course they should think proper. But the only course in which South America would acquiesce would be that of their complete independence, and this must include Mexico and Peru. The movements upon Peru, of Bolivar, San Martin, and O'Higgins, from New Granada, Buenos Ayres, and Chili, were all concerted together, and they were agreed that no terms could be made with Spain till Peru and Mexico should be liberated. At Angostura it had even been determined, since the revolution in Spain has been known, that if he should ask for an armistice, as was expected, it would not be granted unless upon the express condition of his immediately evacuating the country with his troops. It was impossible that they should agree to any terms of dependence upon Spain. The Spanish Constitution of 1812 had cut off from all the rights of citizens every individual of African origin, however remote. This alone would make all compromise impossible with South America, where a very large proportion of those who had fought the battles of independence were of this description. He gave me a newspaper, the Correo del Orinoco, containing an article which he told me was official, written by Dr. Roscio, and expressing all these opinions as to the effect of the revolution in Spain upon South American affairs. But, he said, the views of his Government extended further. They were jealous of the European alliance; they were, above all, jealous and fearful of Great Britain. They were desirous of combining an American system to embrace this whole hemisphere in opposition to that of Europe, and especially in opposition to England. They were willing and desirous that the United States should take the lead in this system, and to be governed entirely by their advice, and, as it would be an object with his Government to substitute the use of the cotton manufactures of China and of India for those of England among the people, and as they had no shipping or seamen, they were disposed to make a treaty with us, by which the traffic between them and the Asiatic regions should be carried on exclusively in vessels of the United States. He had no doubt that this would be resented by Great Britain—probably by war; but they expected such a war from other causes. Great Britain had designs upon them which must produce a war. The whole Holy Alliance had invariably been, and would continue to be, against them. They expected that England would take and destroy some of their sea-port cities—for all this they were prepared; but nothing less than the independence of all South America would satisfy them, and in nothing less could they acquiesce.

I desired Mr. Torres to commit to writing the substance of what he had said to me, and promised him to lay it before the President for his consideration. I asked him also for a copy of the present Constitution of the republic of Colombia, which he promised to send or bring me. He said he was instructed to renew the application to this Government for a supply of arms, but added that he was obliged to return immediately to Philadelphia to dispatch the Venezuelan public armed vessel which had lately arrived there. He asked me, in various ways, whether he might say to his Government that the proposals which he had now disclosed had been favorably received by me.

I told him I was upon such proposals a subaltern; I could only report them to my principal, which I should certainly do. But, to be sure of accuracy, he must commit them to writing, and then I was sure the President would take them for serious deliberation.

He said I had already written in my note to General Vivés of the 8th as much as he wanted me to say. I had there avowed it as the opinion of this Government that Spain must shortly recognize the independence of South America.

I replied that what I had said there was public, and he and his Government, like all others, might draw their own inferences from it. I would also give him a distinct and explicit answer to his proposals, when duly authorized by the President. I presume this visit and these proposals of Torres are now made in consequence of the vote of the House of Representatives upon Clay's resolution.

14th. I received visits to take leave from John Sergeant, Joel Abbot, and Joel Crawford, members of the House of Representatives, the two latter from Georgia. Sergeant is one of the ablest and most distinguished members of the House. There is a mild and placid character in his manners, and great simplicity without awkwardness in his deportment, exceedingly suited to acquire influence in a popular assembly. They are the manners of a Quaker without their boldness, and the polish of a courtier without its fawning. His eloquence partakes of his temper, which is always cool and self-possessed. Powerful in argument, persuasive in form, it wins its way to assent by the gentleness of its approaches, and, as he never gives offence, he is treated with respect by all parties. But he came into Congress upon federal interest, which has lately lost its ascendency at Philadelphia, and he will probably not be elected to the next Congress. He talks even of resigning his seat before the next session; for, being in full and lucrative practice at the bar, he cannot give his attendance in Congress without considerable sacrifice of his private interest, and his attachment to public life is proportionally loose and feeble. In case of Clay's retirement he would be one of the candidates for the office of Speaker, and the federalists in Pennsylvania have had thoughts of proposing him for Governor of the State. His federalism would in both cases be a bar to his success, but he told me that he had positively refused to run in opposition to Findlay, for which one motive would alone have been decisive. The opposition against Findlay in his own party had arisen from transactions in which Sergeant's brother, Secretary to the Commonwealth, and appointed by Findlay, had been concerned. The attack was first made by an attempt to impeach Sergeant, on which occasion Findlay had faithfully supported him, and he (John Sergeant) would not make so ill a requital to Findlay for his kindness to his brother as to suffer himself to be set up in opposition to his re-election. Sergeant had also heard of Duane's letters to Colonel R. M. Johnson, and enquired of me concerning them. He was also anxious that they should be made public, to discredit Duane.

I told him, as I had told Roberts, that I could not make them public. The President also, some time after the letters had been returned to Colonel Johnson, told me that he wished copies of them had been taken. But Duane has no character to lose. He is known to be unprincipled, poor, and for sale. He has now been many years in a minority, both as to the Administration of the General Government and of the State of Pennsylvania. His only object is to sell himself for as much as he can get. If Mr. Monroe had bought him, he would have been good for nothing, and the purchase would have been so odious and disgusting to the public that it would have injured the Administration tenfold more than all the good he could ever have done. Rejected by Mr. Monroe, various causes have concurred to throw him into the ranks of De Witt Clinton. As merely the editor of a newspaper, character is not necessary to support opposition. To prove him venal and profligate would only show him fit for the trade which he pursues, of disseminating slander. He has talents, long and uninterrupted experience in public affairs, much knowledge crammed without order or method into his head, and indefatigable, unremitting industry. His great faculty and power as a slanderer consists in mixing truth with falsehood in such proportions that with the ignorant, the malicious, and the interested the compound is so like truth, " 'twill serve the turn as well." As a partisan, he can be useful only to those whose cause depends upon the propagation of falsehood. For the support of truth or correct principle he is impotent. To Mr. Monroe's Administration he is perhaps dangerous as an enemy, but would be fatal as a friend. Sergeant expressed some uneasiness at the success of Clay's resolution in the House of Representatives, leading to the recognition of the South Americans, and thought it would produce mischievous effects. It is, no doubt, an indication of Clay's influence in the House, and of his increasing popularity in the nation, as the great antagonist of the Administration. It shows also to the world the weakness of the Administration, at least in the House of Representatives, and will affect the policy of those whose propensities are to desert falling and fly to rising fortunes. But the effect of the resolution as to the public interest will not be considerable, unless it should finally deter Spain from the ratification of the Florida Treaty.

15th. Close of the first session of the Sixteenth Congress. I received this morning a note from the President, addressed to the heads of Departments, mentioning his intention to attend this day at the Capitol, according to the usual custom, for the convenience of signing the bills, and inviting the heads of Departments to attend there with him. As at the close of the two sessions of the last Congress he only attended at the evening session, I supposed he intended to do the same now, and went at the usual hour to my office. I found, however, on enquiry, that there was to be no evening session, and that the President had already gone to the Capitol; where I joined him. There is at the new Capitol a chamber assigned for the President of the United States and the President of the Senate. There I found the President, and there he remained till the session closed. He signed thirty-four Acts, which passed in the course of the day. All the members of the Administration occasionally attended, and, as usual, read the Acts, to see that they were correctly enrolled before he signed them. The President had been a few minutes into the House, but did not remain long.

Nothing in the Constitution precludes the personal appearance of the President of the United States in either House while they are sitting, though it has very seldom, if ever, happened. In the present instance, no particular notice was taken of it, and I heard it mentioned by no other person but the President himself. I was perhaps a couple of hours in the House, and called twice in at the Senate. The session closed very quietly, and with more observance of decorum than I ever before witnessed. For of eight sessions the termination of which I have attended, this was the first that has closed before dinner. Mr. Hyde de Neuville, the French Minister, was there, much fretted at the passage of a bill for levying a tonnage duty of eighteen dollars a ton upon French vessels, to commence the 1st of July next. It is merely a countervailing duty to balance discriminating duties in France upon the same articles as imported in French or American vessels. It passes on the earnest recommendation of Mr. Gallatin, after a neglect of three years by the French Government of our repeated proposals to negotiate a commercial treaty, and after full warning given by Gallatin, that if they did not come to some arrangement with us, countervailing measures would be taken at the present session of Congress. This bill has been before Congress half the session, and De Neuville had never mentioned it to me. He probably had flattered himself that it would not pass. Now, after it had passed both Houses, he was in great agitation about it, and entreated me to ask the President to object to its passage, at least to postpone its commencement till the 1st of October. He said the 1st of July was only six weeks off, and would not even give the French merchants notice of what was awaiting them. He said several members of Congress to whom he had spoken of it had told him they were sorry it was made to commence so soon, and would readily postpone the day. I told him it was now too late to make the amendment. I mentioned, however, his request to the President, who said it could not be complied with.

16th. D. P. Cook called upon me this morning at my house, and took leave on his departure to return home. He is under some irritation at the perseverance in nominating so worthless a character as Fowkê, whose only earthly use, he says, is that of an electioneering partisan. I told Cook what my situation had been, and what it now is, as a member of the Administration; how I had felt it always my duty to act towards Crawford, and that I knew of nothing in Crawford's conduct towards me of which I could complain. He said he knew that Crawford had not shown the same delicacy in regard to me as I had used concerning him; but he did not explain what he meant, and I made no enquiry for particulars. At the office, Mr. Newton, the member from Virginia, and Mr. Clay successively called and took leave. I received a letter from Mr. Torres, containing a statement of the views of the South Americans subsequent to the revolution in Spain. It asserts their determination to have no connection with Spain, under whatever change of her Government, upon any other basis than the entire independence of all South America, including Mexico and Peru, but says not a word of the proposals which he had told me Dr. Zea or he was to make to this Government. His communication, therefore, contains only half of Bolivar's plans; which is something in the Bonaparte style. Torres had told me on Saturday that probably the project of the Cortes Government would be to compromise with South America—to recognize Colombia, Buenos Ayres, and Chili, but to retain Mexico and Peru. He also said there had been communications between Chili, with Buenos Ayres, and the revolutionary party in the Spanish army, by the means of a Colonel of the regiment of Cantabria, taken prisoner, about two years since, in a Spanish frigate which was going with troops to Lima. This officer was of the revolutionary party in the Spanish army, and had, on being taken, immediately offered to enter the South American service. His project, like that of the younger Mina, had been to effect the revolution in Spain by means of the emancipation of South America. His offers of service were declined, but he was set at liberty and permitted to return to Spain, and was furnished with letters from O'Higgins, the Director of Chili, to the revolutionary leaders in the army of Spain, which had opened a regular communication with them. The mass of the people in Spain, Torres observed, had no interest in the subjugation of

South America, and would readily agree to its liberation. There were three classes of people interested in the old system, and who would be averse to renouncing it: 1, the city of Cadiz, for the monopoly; 2, the navy and naval officers, for the profits of superintending the monopoly and guarding the coasts; and, 3, the office-hunters who were sent from Spain to fill all the offices in the Colonies. The rest of the nation had no interest in the system, and felt none. In his note of this day he says nothing of the renewed application for a supply of arms.

17th. N. Edwards, the Senator from Illinois, and W. Lowndes, member of the House of Representatives from South Carolina, called this morning at my house to take leave. Edwards spoke of the state of parties and of public affairs. At the next session, he says, the great struggle will come on. Edwards is first-cousin to the Popes of Kentucky and Illinois, and therefore not in the interest of Clay, of whom John Pope is the unsuccessful rival in Kentucky. But, as a Western man, Edwards feels himself to be rowing against the general current of Western feeling, and is uneasy under it. He remarks with anxiety the ascendency which Clay has been acquiring during the latter part of the session of Congress, and seems to dread that he will carry all before him. He supposes that he will resign his seat as Speaker, but not as member, of the House; that he will immediately engage extensively in the practice of the law, and will come next winter and attend at the same time the session of the Supreme Court and of Congress. He says, however, that in the midst of his late success he has raised new adversaries in a quarter which has hitherto supported him. His sudden aim at the Vice-Presidency has startled Mr. Crawford's friends, who have hitherto moved in close harmony with him. They are alarmed at the prospect of Clay's stepping in between Crawford and his hopes, and all voted against his resolution for the appropriation. Edwards told me that he was personally under great obligations to the President for befriending him during the late war in the settlement of some accounts with the War Department, in a case upon which Armstrong was bent upon his ruin, and but for Mr. Monroe might have accomplished it;

but that he might be under the necessity of opposing some of his measures. This would not affect his attachment to the President, and he should continue to hold his seat in the Senate, with the view to support his Administration, which will stand in need of friends. He had intended to have resigned, and to have made way for one of his own friends to take his place. But, as he now saw troublous times coming, he should hold on and take his share in them.

Lowndes's visit was short, and he said little upon political subjects. Like every one else, he thought the next session would be one of excitement and agitation, but that all party movements would be of a sectional character. The tariff, or, properly, the attempt of the manufacturing interest to lay the agricultural and commercial interests under contribution, will be one of the principal subjects of debate. This system was carried at the late session in the House of Representatives, and failed only by a majority of one vote in the Senate. Lowndes said it would succeed at the next session, unless there should be a union of the Northern and Southern Representatives against it.

Mr. Thompson, the Secretary of the Navy, called. He goes for New York to-morrow. He came to consult me as to the mode of naming the line-of-battle ship now about to be launched at New York. A resolution of Congress at last year's session prescribed that in future the public vessels of the Union should be named according to their rates—the first from the States, the frigates from cities, and the smaller vessels from rivers. The question is, in what order they should be named. Thompson said he thought the best way would be to begin as the old Confederation always did—reckoning from north to south, from New Hampshire to Georgia, and then to take the additional States in the order of their admission to the Union. Another way would be to begin by naming the ships after the States in which they are respectively built; and the people at New York and Boston, where two ships were shortly to be launched, expected that they would bear the names of New York and Massachusetts. This, however, might be liable to a charge of partiality. A third way was by lot; which he did not like, because the lot might cast the first names upon inland States, which would be an incongruity, as a preference to the maritime States. I told him I thought the only way of which none could complain would be to draw lots. In that there would be neither prejudice nor partiality. We should have all the Western mountains upon our backs if we should take the old thirteen States in precedence to them, and, indeed, it would take from them all prospect of floating in panoply upon the ocean, perhaps for a century, which would hardly be just. If the first lots should fall upon Western States, so much the better. It would interest their pride in the support of the navy. The maritime States will always have interest enough in it. So it was concluded that the designation of the names should be by lot.

Mr. De Neuville, the French Minister, came to speak of the time when it would suit the President to give him an audience to take leave. He proposed Saturday or Monday next. He also told me that he should send me a note upon the late Act of Congress laying a new tonnage duty upon French vessels. He thought Mr. Gallatin had been hasty in his recommendation of this measure. The tonnage duty upon American vessels in France was rather lower than that of French vessels in the United States. Their discriminating duties upon articles imported in American vessels were barely sufficient to give France an equal portion of carriage of the trade between the two countries. It had, indeed, not yet produced that effect: the number of American vessels which went to France last year was much greater than that of the French vessels which came into the ports of this Union. As to adopting the system of equalizing duties, according to the Convention between the United States and Great Britain, France could not do that, because the result would be to throw the whole trade into our shipping. The French knew very well that we had the advantage of them as navigators. It was, therefore, only a nominal reciprocity, to place the duties upon an equal footing in the two countries. We must look to results. Even with the difference of duties, as they have been in France, their shipping could not stand the competition with ours. The loss of their sailors, to which they were constantly exposed, was so great that many of their vessels were detained at heavy charges for want of men to navigate them. When once the balance should be restored, so that the number of French and American vessels engaged in the trade should be nearly equal, France would very readily enter into any commercial arrangement to keep them so. There was also the privilege which France claimed in the ports of Louisiana by the eighth article of that treaty, upon which I had left his last note unanswered.

I told him that the principle of reciprocity offered by our Act was evidently fair in itself, and Great Britain, the most tenacious and selfish of commercial nations, had assented to it; that this was all that could be offered by the law, but our object was amicable arrangement. If France would treat, we should readily consider any proposal which she might offer to secure a real reciprocity, but we could not wait for the full effect of the unequal regulations of France to take precautionary measures against them. Mr. Gallatin had powers to conclude a treaty of commerce, and I hoped the French Government would agree to treat with him. I called at the President's, and reported to him the substance of this conversation.

18th. The session of Congress being closed, it became necessary immediately to fix upon the course to be pursued with regard to our affairs with Spain. I made a draft of a note to General Vivés, informing him of the result of the communication to Congress of our correspondence, expressing the desire of this Government to be upon friendly terms with that of Spain, particularly since the change which had introduced the principles of liberty there, and requesting to be informed as soon as possible of the determination of his Government concerning the relations between the two countries.

The President approved this draft, advising the omission of one paragraph, which he thought expressed in too strong terms approbation of the revolution. He was apprehensive that in the event of a counter-revolution it might produce an unfavorable effect.

The passage was accordingly omitted, and the note sent to Vivés, who returned an answer that he this day dispatched a messenger to Spain, and would inform me as soon as possible of the result. I had mentioned to the President that if he proposed to make any new demand upon Spain it would be necessary to mention it in this note; but he gave no direction that any such intimation should be given.

Among the Acts passed at the late session of Congress is one for taking the fourth census, by instructions to the Marshals, and regulations by the Secretary of State. After examination of the Act, I compared it with those of the years 1790, 1800, and 1810, for taking the three former enumerations. The first was not taken by instructions from the Secretary of State. The second was. The third, to which an emendatory law was added requiring an account to be taken of manufactures, provided that the instructions for taking the enumeration should issue from the Secretary of State, and those for taking the account of manufactures, from the Secretary of the Treasury. The present unites both objects in one Act, and devolves the whole duty of giving the instructions and regulations upon the Secretary of State. The preparation of these instructions now requires my attention.

19th. The President mentioned to me that he wished to give a dinner to Mr. and Mrs. Hyde de Neuville before their departure for France; and also to General Vivés and the members of his Legation, with all the Diplomatic Corps. He wished also the heads of Departments and their families to attend; but Mrs. Monroe has been some time very ill, and will not be able to appear, and Mrs. Hay has not been in the habit of visiting with the families of the foreign Ministers. I observed to him that, as this was an occasion of particular compliment to Mr. and Mrs. De Neuville, it would be best to set aside all question of precedence, and that it should be conceded for the day to Mrs. De Neuville. Mrs. Adams would be pleased to have this attention shown to that lady, and I supposed the ladies of the other members of the Administration will also readily assent to it. The day is to be fixed to-morrow.

20th. I received this morning a note from the President, addressed to the heads of Departments, requesting them to meet at his house at twelve o'clock. I was surprised to find that the meeting had been called to enquire whether, if the Florida Treaty should now be ratified by Spain, it ought to be accepted by us; or whether notice should not be given to Spain that we have further demands which must be satisfied. My note to General Vivés, written since the session of Congress closed, and the answer of Vivés, were read, and Mr. Crawford asked whether, after them, it was not too late to advance a new demand upon Spain. The President appeared to think it was not. There is certainly nothing in it to cramp the operations of the Senate when it comes to be laid before them. But the impression of all was that we were pledged by what has passed to accept the ratification, if given immediately upon the arrival of the messenger from Madrid, at least so far as to take the advice of the Senate upon it. I observed that there was no danger of the treaty's being put upon us against our will. The objection henceforth to be started, instead of all those which have been advanced hitherto, will be the want of power in the King to alienate the Spanish territory. The treaty, therefore, will not be ratified, and the only effect of advancing a new demand now would be to give a new pretext to Spain to refuse the ratification and to deprive us of the vantage-ground upon which we now stand, of claiming as of perfect right all that it stipulates in our favor. I further reminded the President that before sending the last note to Vivés I had observed that if a new demand of indemnity was to be made of Spain it must be announced in that note, and there would certainly be some awkwardness now, after being informed by him that he had dispatched his messenger immediately after he had received that note, in writing him another, to say that even if Spain should now ratify the treaty we shall not be satisfied with it, but shall bring forward further demands.

Mr. Wirt remarking that the treaty, when signed, had been unanimously ratified by the Senate, and, so far as the sanction of the House of Representatives could be taken or given, approved with equal unanimity by them—if the treaty was then a good one last year, had anything happened to make it a bad one now?—this brought the question upon the treaty itself; and, although it was well understood that if it should come again before the Senate there will be a strong opposition to it, the opinion was unanimous here, including the President, that the ratification of the treaty, if given, ought to be accepted. The President then made some question concerning the state of our Legation in Spain. There has been a good deal of dissatisfaction in the public prints expressed at the *tone* of Forsyth's official notes in Spain, two or three passages of which were very exceptionable. The President himself was much displeased with them. Forsyth's situation was rendered so uncomfortable to him before the change that he earnestly and repeatedly solicited leave to return to the United States; and I wrote to him on the 11th of February giving him that permission. But, after the revolution in Spain, most of the causes of Forsyth's wishing to return were removed, and it has become very important that there should be a Minister there. We all thought it probable that after the change Forsyth will have concluded to stay for further instructions, even though he should have received my letter giving him leave to return. On that supposition I was directed to write to him, stating the disposition of the President still to receive the treaty, if immediately ratified by Spain, but to discover no particular earnestness to obtain the ratification, and to give notice that if it be longer delayed we shall recur to our former rights and insist upon further indemnities. The dispatch, in case of Forsyth's absence on its arrival, is to be addressed to T. L. L. Brent as Chargé d'Affaires. The President gave us all invitations to the dinner next Wednesday; and the precedence question was arranged as I had proposed. But he inclined that no ladies should be invited, but that Mrs. Hay should invite Madame De Neuville to a small evening tea-party, and Mrs. Adams to meet her. However, on further reflection, he left the matter undecided until the evening, and then sent me word that the ladies would also be invited to the dinner.

22d. I called upon Mr. Calhoun, and he went with me to Mr. Thomas Law's, in Prince George's County. On the ride we had much conversation upon various topics. I asked him whether he knew what was the occasion of the President's calling the Cabinet meeting on Saturday. He said it was a letter that he had received from Mr. Jefferson, in which, though mentioning in terms of high commendation the Florida Treaty, he yet advises that its ratification should not now be accepted, but that we should look to the occupation of Texas. This explains to me what had been utterly unaccountable in the call of that meeting three days after my last note to Vivés and after the receipt of his answer. It reminded me of O'Brien's shrewd remark, that an old sea-captain never likes that his mate should make a better voyage than himself.

We conversed upon politics past, present, and future. Calhoun's anticipations are gloomy. He says there has been within these two years an immense revolution of fortunes in every part of the Union; enormous numbers of persons utterly ruined; multitudes in deep distress; and a general mass of disaffection to the Government, not concentrated in any particular direction, but ready to seize upon any event and looking out anywhere for a leader. The Missouri question and the debates on the tariff were merely incidental to this state of things. It was a vague but wide-spread discontent, caused by the disordered circumstances of individuals, but resulting in a general impression that there was something radically wrong in the administration of the Government. These observations are undoubtedly well founded. The disease is apparent, the remedy not discernible. The primary cause is that which has been the scourge of this country from its Colonial infancy—speculations in paper currency, now appearing in the shape of banks; the great multiplication, followed by the sudden and severe reduction, of fictitious capital; then the great falling off in the prices of all our principal articles of exportation, the competition of foreign manufactures carried on by starving workmen, with ours loaded with high wages, the diminution of commerce and the carrying trade, and the accumulation of debt as long as credit could be strained—all this, with ambitious and crafty and disappointed men on the watch for every misfortune and welcoming every disaster, together with the elated hopes, the dazzling promise, and the mortifying reverses of the Florida Treaty, accounts too well for the loss of popularity by the Administration within the last year. Yet the dissatisfaction is not general against the Government. The suffering interests have too much disposition to turn against each other. Their oppositions will terminate in struggles to place their respective champions in the next Congress. New York, the most deeply dissatisfied State, is so nearly divided against itself that its opposite disaffections will destroy each other. So will the agricultural and manufacturing parties; and I do not expect that the votes in the next Congress, upon any great point of internal or national policy, will materially differ from those of the present Congress on the same questions. But whatever the result of the present inauspicious circumstances may be, they must work out their own termination. Government can do nothing, at least nothing by any measure yet proposed, but transfer discontents, and propitiate one class of people by disgusting another. Were it possible by wishes or exertions to devise an efficacious remedy, they would not be wanting. As it is, the arbiters of weal and woe, the healers and destroyers, Time and Chance, must bring the catastrophe or the cure. As one of the agents, I have but one formula suited to all occasions—"Thy will be done."

Calhoun asked me some questions about the transactions at Ghent, and the project said to have been formed there, or immediately afterwards at Paris, for having Mr. Crawford run in 1816 for the Presidency. I told him I had never heard anything of this either at Ghent or at Paris; and if any projects upon the Presidency had been there formed, I had not been privy to them. He said that Gallatin had been here in the winter of 1815–16, and that, from all his movements then, he appeared to have two great objects of anxiety: one, that Mr. Monroe should not be chosen President, and the other, that he (Gallatin) should be the Secretary of State.

24th. I have now upon my hands to prepare instructions to H. Middleton as Minister to Russia; to Forbes as Agent to Buenos Ayres or Chili; to C. S. Todd as Agent to the republic of Colombia; to the Marshals for taking the census; dispatches to J. Forsyth, A. Gallatin, R. Rush, A. H. Everett, and C. Hughes—all of importance, and some embracing many objects of complicated negotiation—answers to Hyde de Neuville, Vivés, Antrobus, and Stackelberg; a letter to J. Graham, at Rio de Janeiro; and all the current business of the office from day to day.

The census is one of the most urgent objects of attention. As two enumerations before have been taken under instructions from the Secretary of State, I was desirous of seeing what they had been, and, to my great astonishment, discovered that there was not a line to be found upon the subject on the records of the office. Colvin had told me that the proceedings in this Department concerning the last census in 1810 had been principally under his management. I applied to him, therefore, for information, and found that the instructions from both the Departments of State and of the Treasury were printed in the National Intelligencer of 1810. On examining them, I saw that they would be of some, but not much, use to me, and that I must prepare a set of instructions entirely new. As each census ought to be an improvement upon that last preceding it, every important circumstance and paper relating to it should be recorded, and I propose that at least the proceedings in the taking of this one shall serve to facilitate as precedents the taking of the next.

25th. At one o'clock I presented to the President Mr. Hyde de Neuville at a private audience to take leave. He has been so earnestly solicitous to go through this formality that I prevailed upon the President to gratify him. The President told him that, wishing him a prosperous voyage and a happy meeting with his friends in his own country, he should see with pleasure his return among us; that he had a great regard for France, and wished well to the King and his royal family; that he recollected with grateful satisfaction the part which France had taken in aid of our Revolution, and the interest which the House of Bourbon had always taken in favor of the United States. In no instance before have I heard the President speak with so much feeling to a foreign Minister; and De Neuville was proportionally affected by it. He said he should be peculiarly happy in reporting to the King his master these assurances, and well knew the high gratification they would afford him. The audience was not of more than five minutes, but it was full of good words, and will answer the principal purpose, as I suppose, of De Neuville, which is to repeat at his audience of the King what the President said of him and of the Bourbons.

I had some conversation, after he went away, with the President, who had told me that Mr. Rush had given him to understand in a private letter that he would be willing to exchange his present mission to London for that of St. Petersburg. The President said that he should be very willing to accommodate the wishes of Mr. Rush, but, as it would have required the appropriation of a new outfit, in the present temper of Congress it would have been impracticable. He had been told that Mr. Clay had spoken in disparaging and sneering terms of the abilities of our Ministers abroad, naming particularly Rush, Campbell, Forsyth, and Middleton, who he had said was not the author of the report which, as Chairman of a committee of the House of Representatives, he had presented on the affair of Amelia Island. Clay, he added, was perhaps dissatisfied because Mr. Jonathan Russell had not been appointed to Russia.

I said that might be; but Clay's dissatisfaction had begun nearer home and with the present Administration. Nothing under it could please him. But he had a special and personal grudge against Middleton. The pretence that Middleton did not write his Amelia Island report was one of the slanders of Duane's Aurora, which had at the time asserted that the President's message, the report from the Department of State, and this report of Middleton's came from the same inkstand. Now, as to the message, he knew that was written by himself; the report from the Department of State was written by me; and as to Middleton's report, the facts were these. He had sent his first draft of it to me, with a request that I would suggest any addition or alteration to it that I should think proper. I had suggested several additional paragraphs, but not the alteration of a word in his draft. He had taken my additions, adopted some of them, and rejected others, making it his own as fully as any piece could be, written with consultation of a friend. This has been a common practice between the Chair-men of committees and heads of Departments ever since the existence of the Government, and to infer from it the incapacity of a Chairman of a committee is the very venom of political rancor. Clay well knows that, however superior to Middleton he may be as a speaker on the floor of Congress, Middleton is quite his equal as a writer, and actually annoyed him, at the time alluded to, by publications in the newspapers on the same topic of South American affairs, which Clay could no otherwise answer than by the most disgusting anonymous scurrility.

The President further observed that both Rush and Gallatin were in positions of embarrassment, from which he wished he could relieve them. They were in places where the compensation could not defray the expense. There was a prejudice against Rush on the score of abilities, and he was not esteemed so highly as he deserved. His conduct in England had been quite satisfactory, his attention to his duties unwearied, and his deportment acceptable to the Government there—all which is undeniable. But Rush has risen too rapidly. The mission to England should have been one of the last stages of his elevation, from ten to twenty years later. His proper descent would be to the Senate. There, too, Gallatin might be useful, though he would certainly not be contented. The Senate is the place where all the overheated blood of restless, aspiring, and disappointed ambition should be allowed to cool.

27th. By the mail I received a letter from D. Strobel, Consul at Bordeaux, of 21st April, mentioning that J. Forsyth had arrived there the day before from Madrid, and had delivered dispatches to the captain of a vessel bound to Philadelphia and ready to sail. I sent this letter over to the President. Immediately afterwards General Vivés came to the office and informed me that he had just received a messenger from Spain, who had brought a letter from the King of Spain to the United States of America, announcing that in conformity with the general wishes of his people he had sworn to the Constitution of 1812. Vivés had brought the letter itself, and also a copy of it from the Foreign Department at Madrid. He said he had heard the President was going immediately to Virginia, and was unwilling to be the cause of detaining him. He would, therefore, either ask an audience to deliver the King's letter to the President, or would leave it with me to be delivered, as would be most agreeable to him. He also read me parts of dispatches which he had received from the acting Minister of Foreign Affairs, and told me that he should make me, within a day or two, three written communications. One, to give information of the change in the royal title of the King. A second, to announce that an order had issued of pardon and liberation to all the citizens of the United States confined within the Spanish dominions for having taken part in the South American revolts, excepting cases of assassination, robbery, and debt. The third was to notify that the King, having sworn to the Constitution of 1812, so that he had no power to alienate any portion of the Spanish territory without the consent of the Cortes, would immediately upon the assembling of that body lay before them the Treaty of 22d February, 1819; that it was the King's most earnest desire to maintain the most friendly and harmonious relations with the United States, and that he had no doubt the disposition of the Cortes would be to make any sacrifice compatible with the honor of Spain to promote the good understanding with them—a sentiment confirmed by the sympathy resulting from congenial sentiments of liberty. I went again to the President's and made report of this conference with Vivés. And I observed to him that although Vivés had offered to leave the King's letter with me, I thought it would be better that it should be delivered in a formal audience, for the effect that it would produce at Madrid. To this he assented, and fixed the time for the audience at Monday noon—immediately after which, he said, he should leave the city, to go to his farm at Oakhill, near Aldie, Loudon County, Virginia. Mr. and Madame De Neuville called this evening at our house to take leave of Mrs. Adams; but she had retired, and could not receive them.

30th. I was occupied from the time of rising until the evening—a good fortune which occurs scarcely four times in the year. At my office, preparing drafts of dispatches, and particularly of papers for the census. The law requires that an account should be taken of manufacturing establishments and their manufactures, and it prescribes oaths to be taken by the Marshals and their assistants, that they will take an account of manufactures, except household manufactures. The numbers of persons *engaged* in agriculture, commerce, and manufactures are also to be ascertained and discriminated. I began the draft of instructions to the Marshals. The account of manufactures taken in the year 1810 included household manufactures. It was prescribed by a supplementary law passed after that for the general census. The returns were made to the Secretary of the Treasury, and were by him committed to Tench Coxe, of Philadelphia, to make an abstract of them, which was accordingly made and printed in a quarto pamphlet, 30th May, 1813. This pamphlet has also been furnished me by Colvin, and will serve to make out an alphabetical list of manufactures, which I propose to send to the Marshals to be used by their assistants in taking the account. I consulted also Seybert's statistical tables, and Pitkin's work, and found in Seybert a form which he recommends to be used, and which I propose to adopt, with perhaps some addition. I have had, likewise, conversations with the President and with Calhoun upon the subject, to collect and compare ideas; but neither of them was here when the last census was taken, and the whole subject was more new to them than to me. It was fortunate that the instructions for 1810 were printed in the National Intelligencer. Robert Smith was then Secretary of State, and Colvin says the instructions were copied verbatim from those of 1800. Colvin himself copied them, and Smith signed them without alteration. The volume of archives of the Department for the year 1800, containing the record of those instructions, was destroyed with the office in 1814, by the British. They are, therefore, no longer to be found. The census is an object of great importance to this Union, and as, by the Constitution, it is to be taken at intervals of ten years' distance from each other, the system of taking it may be improved from term to term. The present enumeration is to ascertain, beyond all those that have preceded, the number of free white males between sixteen and eighteen, the foreigners not naturalized, and the numbers of persons engaged in agriculture, commerce, and manufactures. It makes also several discriminations of age to the slaves and free persons of color which had not been marked before; but there are discriminations of age, much more important, which have never been taken—they include in the same column all persons of each sex over forty-five years. There should, I think, be columns from which the general and particular healthiness of the climate and longevity of the inhabitants might be demonstrated—such as persons between forty-five and sixty, between sixty and eighty, between eighty and ninety, between ninety and one hundred, all over one hundred, and a column for the age of the eldest person in the family. Other improvements will suggest themselves to other minds; though it is also necessary to beware of making it too complicated an operation. The additions even of the present law will double the labor of the persons who are to take the enumeration, without making any allowance either of time or compensation. This will probably produce obstacles to the execution of the law, and require additional appropriations and compensations hereafter.

Day. I have never been more overcrowded with business than through the course of this month, nor have I ever more thoroughly felt the essential obstacle to a good journal, namely, the impossibility of transacting and recording much important business at the same time. To increase activity by voluntary aggravation of labor, I continue making the index to my old journals, from 1795 to 1809. The general impression upon my mind in reviewing the journal of that time is its extreme inanity. It contains scarcely ever either observation or reflection, incident or character, grave remark or sally of humor. It names the persons with whom I dined or played cards; the walks that I took; the visits that I paid or received; the books that I read; and sometimes the letters that I wrote or received. It records no operation of the mind, and scarcely ever a sentiment of the heart. Its interest to me consists in the recollections that it brings back, as the scattered single letters remaining undefaced upon a decayed monument may serve the practised antiquary to trace the whole original inscription. I have spent too much of my life in plodding upon the thoughts of others, and too little in cultivating my own—too much in passive study, and too little in active energy. My life has therefore been laborious and unproductive. Until the year 1806, whatever of intellect I did exercise is contained in my letter-books, and nothing in my journals. The really important period of my life began with the British attack upon our Chesapeake frigate, in the summer of 1807. Since then my journal has been a record of events, opinions, and important conversations; but it is only more prolix, without being more interesting, and will never be fit for exposure to any eye but my own. There are parts of it which my children, should it please Heaven to make any one of them worthy of his grandsire, may take pleasure in consulting when I shall be in the dust. In coming to this passage, if he too should have spent a large portion of his days in studious idleness, let him solace himself with the conclusion which is my principal comfort, that he can be no other than what God and nature have made him, and that, although not gifted with genius, his mediocrity has not been without usefulness in the world. Not all can have the wisdom of the serpent. All can be harmless as a dove.

June 2d. Mr. Roth, the French Chargé d'Affaires, called at my house this evening upon his return from Annapolis, whither he accompanied Mr. and Mrs. De Neuville. They sailed in the Normande frigate, commanded by Captain Bougainville, for France on Wednesday. I shall probably never see Hyde de Neuville again. He resided several years in this country as an emigrant, and practised physic for a subsistence. At the Restoration he returned to France; fled again to England during the second or hundred-day reign of Napoleon, and then returned to France, by a passport obtained from me by one of his friends, as a Louisianian named Perrier. He was soon chosen one of the Deputies to the Legislative Assembly; was one of the most violent ultra Royalists, and so conspicuous as a leader that the members of that party were for some time called from his name the "Hideux," in derision. His ardor became troublesome to the King and the Bourbon party itself, and he was sent here into honorable and lucrative banishment to let his overheated passions evaporate. Soon after his arrival here, his inflammable temper brought him into a short collision with the Government for a foolish and indecent toast given at Baltimore by Skinner, the Postmaster, a man more hot-headed and wrong-headed than himself, against the King of France. This, however, soon blew over, and his conduct since that time has been unexceptionable, his private life irreproachable, and his social, friendly, kind, and benevolent relations with the various classes of the people exemplary. His wife is a woman of excellent temper, amiable disposition, unexceptionable propriety of demeanor, profuse charity, yet of judicious economy and sound discretion. No foreign Minister who ever resided here has been so universally esteemed and beloved; nor have I ever been in political relations with any foreign statesman of whose moral qualities I have formed so good an opinion, with the exception of Count Romanzoff. He has not sufficient command of his temper, is quick, irritable, sometimes punctilious, occasionally indiscreet in his discourse, and tainted with Royalist and Bourbon prejudices. But he has strong sentiments of honor, justice, truth, and even liberty. His flurries of temper pass off as quickly as they rise. He is neither profound, nor sublime, nor brilliant; but a man of strong and good feelings, with the experience of many vicissitudes of fortune, a good but common understanding, and good intentions biassed by party feelings, occasional interests, and personal affections. The diverting part of his character is the conflict between his Bourbon royalism and his republican fancies, involuntarily contracted here from the irresistible fascination of practical freedom. They sometimes break out in his conversation in a manner almost ludicrous: as when at the dinner the other day at Antrobus's, speaking of a Chamberlain of the King of France, a man of high birth and rank, but whom he did not like, he called him "un Chambellan—c'est à dire, un Valet de Chambre." I told him that was a "c'est à dire" that would have sounded very strangely in the mouth of a French Minister at a diplomatic dinner half a century ago. De Neuville is politically, and his wife is piously, religious. His Catholicism, like his royalism, pure at the fountain, flows turbid with sediment from the bottom of the channel over which it passes. He now goes home with a professed intention of returning next winter; but I do not expect him, and perhaps ought not to desire that he should come back. To part in peace once in a life with a diplomatic man is as much as can be reasonably anticipated.

3d. A Mr. Speir, of New York, came to the office with a letter from the President, and recommendations from Vice-President Tompkins and other respectable persons. Speir is the uncle of a young man of the same name, one of the sixteen persons convicted and under sentence of death for piracy committed on board the Irresistible; the same case for which seven others were convicted, two of whom have been executed at Baltimore. The sixteen, of whom Speir is one, were tried at Richmond, but he was convicted and stands sentenced by the name of Francis Oglesvy. I have been invariably averse to the execution of *any* of the men in this case, which was more of a revolt against piracy than piracy. The captain of the same vessel, who, if he could undergo a separate hanging for every one of these men, would not be too severely punished, has escaped repeated trials, and is now ranging the ocean in the very same vessel with impunity. I told Mr. Speir that a pardon would issue for Speir, and for one other person convicted at Richmond. Reprieves for two months are to go for all the rest, excepting two, against whom the decree of execution yet stands unrevoked. Speir asked me if he might make known to his nephew that he was pardoned. I told him it would be more advisable and regular to let it be communicated in due time by the Marshal.

4th. Among the letters received this day was one from Josiah Quincy, Corresponding Secretary to the American Academy of Arts and Sciences, at Boston, announcing to me that the Society had at their annual meeting, on the 30th of last month, elected me their President. I answered the letter, and accepted the office, because I thought there would be an appearance of affectation in refusing it. The arts and sciences have been the objects of my admiration through life. I would it were in my power to say they have been objects of my successful cultivation! Honors like these produce in my mind humiliation as well as pride. In this particular instance I am mortified at being raised to the head of a learned Society with qualifications so inadequate to the station; mortified, that in a Society which ought to include all the distinguished men of letters and of science in the State, there was no man so notoriously and conspicuously superior to me as to have prevented the thought of me from occurring at all. As the time is fast approaching when, if my life continues, I shall be consigned to retirement from public life, the idea presents itself to me that I may still exist for some purpose useful to my country, by devoting the leisure of my declining days to the duties of this scientific office; to promote the taste, the culture, and the refinement of art and science in my country. Should my exit from the public theatre be such as to leave me with a competency for the comfortable subsistence of my family, and, therefore, the choice of employment for my time, this will perhaps offer me the means of filling it with satisfaction and with honor. In the continual bustle and unceasing occupation of my present office, I feel nothing but the want of time. But in looking forward to the moment when, discarded from all public concerns, my time will be all upon my hands, and, instead of the rapid whirl of successive stimulants to interest, the lifeless languor of indifference to everything around me will be predominant, what I principally dread is a dejection of spirits and atrophy of mind, which will throw me into a desultory and idle, because useless, career of reading indolence. I shall want *an object of pursuit;* and may the Spirit of truth and of all virtue and wisdom point me to it!

5th. Mr. Poletica came just as I was about leaving the office, and read to me two dispatches from Count Nesselrode to him, one of which related to the proposal of referring to the umpirage of the Emperor Alexander the question between the United States and Great Britain upon the construction of the first article of the Treaty of Ghent, which he declares his disposition to accept. The other was concerning the general policy of Russia, for which he refers him to a memoir upon the relations between Russia and Persia and between Russia and Turkey, and also to such dispatches as he might receive from Pozzo di Borgo, the Russian Ambassador in Paris. The memoir and the dispatch from Pozzo di Borgo, Poletica told me, he had not yet read, but said he would bring them to me to-morrow. The letter from Nesselrode approved of the course of conduct observed by Poletica here respecting our differences with Spain, and exhorted him to persevere in it. I took the occasion to tell Poletica that I should have communicated to him the progress of the negotiation with Vivés from step to step, but that I had seen he rather avoided communication with me, and concluded he would prefer keeping aloof from it until it should have come to some result. As I thought this course on his part was correct, I had tacitly fallen in with it, and, as all the documents were sent to Congress, there had been nothing afterwards to tell that was not public. He said that he had purposely abstained from seeking information from me at that time, and had been equally reserved with Vivés, to whom he had never spoken a word on the subject of his mission. His motives were to avoid intermeddling in any case where there was not an obvious utility in his interposition, and also to observe a proper delicacy towards Mr. De Neuville, who, having already taken much part in that affair, would naturally be averse to the interference of others which might have any effect upon his own. I asked Poletica if he had any dispatches from Count Lieven. He said, no; Lieven was perfectly well in his place—an Ambassador in London, where Russia had nothing of material importance to transact. But Lieven would not take the trouble of writing much, either upon general politics or upon the state of affairs in England, being rather an indolent man. Pozzo di Borgo is evidently the favorite of Poletica.

6th. Poletica brought me the letter from Pozzo di Borgo, with another from Nesselrode, and the memoir concerning the relations of Russia with Prussia and the Porte. He left these papers with me a couple of hours for perusal, and then came and took them again. I told him I should be glad to have some conversation with him concerning these papers hereafter. The memoir is a fresh exposition of the political system of Russia, founded upon the basis of the European alliance for the preservation of universal peace. It notices again the public comments and glosses upon the alliance, and the different charges which have been occasionally brought against it, as a league of great powers to oppress the smaller, or a combination of sovereigns against the liberties of the people. It defends the system against these and other objections, and holds it forth as a righteous and pure-hearted league of powerful sovereigns for the maintenance of justice, of good understanding, and of peace between them and all the world. There is an earnest solicitude manifested in this paper to vindicate against reproach the system of the alliance and to commend it as peculiarly the Emperor's system. It is Alexander's substitute for the armed neutrality. It then applies the principles of the system to the actual relations of Russia with Persia and with the Porte, with regard to the first of which it declares the Russian Government to be satisfied, and, alluding obscurely to a secret treaty of alliance between Great Britain, Austria, and Persia against Russia, supposes it to be merely defensive, to prevent encroachment upon Persia by Russia, which, being, as it observes, not in the Emperor's intention, is without effect as regards his policy, and therefore can give him no dissatisfaction. The article concerning Turkey is less quiescent, but still entirely pacific. It charges the Turkish Government with many prevarications and evasions of the last treaty of peace between the two powers, and states that after many of these disingenuous practices (stimulated and countenanced, as it insinuates, by foreign influence, meaning English and Austrian) the Emperor Alexander wrote himself to the Sultan, hoping by this direct intercourse to come to a more explicit understanding with him; that the Sultan answered the letter, dwelling, however, upon the same erroneous ideas which had distinguished the correspondence of his Ministers. It proceeds to state that the objects in controversy, being in possession or under the control of Russia, will be so retained—leaving the matter for negotiation as long as the Turks may please, knowing that the policy of the Ottoman Porte will be *necessarily pacific*.

I told Poletica that I was glad to see from this memoir that there was no prospect of a war between Russia and Turkey, the newspapers from Europe having lately announced it as a probable event. The letter from Pozzo di Borgo related to Spanish, Portuguese, and South American affairs, and referred him to the copy of another letter, from him to General Tuyl, the Russian Minister now in Brazil, enclosed in the dispatch. As this was not among the papers left by Poletica with me, I noticed it.

He said he had not brought it because there was something in it more peculiarly confidential. Nevertheless, he would not withhold it, but would bring it with him the next time that he should come. I observed to him that Pozzo di Borgo's letter spoke with disapprobation and concern of the late events in Spain, at which I was not surprised. It was to be expected that all the Governments in Europe would look at those events at first on their unfavorable side; as in this country the first view of them had been universally on the favorable side. They were undoubtedly events of transcendent importance, and it would be very agreeable for us to know in what light they were, and would be, considered by the Emperor, and particularly whether any concert of measures would be adopted by the European allies bearing upon the revolutionary state of Spain. He said it was certainly true that Pozzo di Borgo's letter did consider the changes in Spain in an unfavorable light, and, so far as they had originated and been conducted by military mutiny, they could not be otherwise considered.

To this I agreed, and remarked that there was no country in the world where military mutiny would be more disapproved than in this, nor any where an operation of military force upon the civil Government would be more abhorrent to the general temper and character of the people. Military interference with the organization or administration of our Governments had been unexampled throughout our Revolution, and ever since. On the other hand, there were many things in the recent transactions in Spain which were universally approved here, and I presumed would even be well viewed by the European Governments—the moderation which had hitherto marked the revolutionary movement, the release of all prisoners for politics, and the abolition of the Inquisition, for example; not to mention the liberty of the press, which we indeed approve also, but which would not be so agreeable in Europe. I thought, however, that before the European sovereigns should resolve upon any system for the treatment of the Spanish malady they would do well to consider the whole case, and particularly the temper of the instruments with which they must operate—armies all over Europe, excepting Russia, being not precisely the same machines that they have been heretofore. He said he was very sure that whatever might be the event, unless the revolutionary party in Spain, like that of France, should become aggressive, Russia at least would take no active military measures against them. I received also a letter, dated the 3d, from H. Middleton, at New York. He had arrived there from Charleston that day, found my letter there upon his arrival, and immediately engaged a passage for himself and family in the Amity packet, to sail for Liverpool on the 10th. He will, therefore, not have time to come here.

7th. I was again excessively pressed in preparing instructions for H. Middleton and directing the papers necessary for him to be transmitted—which must be at New York next Saturday morning. It was impossible for me to make the draft of his general instructions in time. I therefore wrote him a letter merely directory with respect to his passing through England, and suggesting the measures to be arranged with the British Ministry for proceeding on the reference to the Emperor of Russia. As he will necessarily be detained some weeks in England, I shall send his general instructions to him there.

I consider this duty of giving instructions to Ministers and public agents abroad as the most important and difficult of the functions of a Secretary of State. There are many particulars of these instructions which are the same, or nearly the same, for all. I have, therefore, adopted the practice of giving each of them two letters of instructions, the one under the denomination of *general* and the other of *personal*. In this, as in everything else relating to the business of the Department, I feel incessantly the want of method—systematical arrangement. I am endeavoring to introduce it gradually; but, as it requires long experience of all the business of the office, as the whole and the detail must be known before a good arrangement of distribution can be made, I have scarcely yet, after three years' attendance at the office, so thorough an acquaintance with it as will enable me to form a complete system for the management of it. The personal instructions were made out for Mr. Middleton this day, but very imperfectly. It was with the utmost difficulty that I could get his cipher made out. One of the greatest inconveniences that I suffer is the necessity of attending to the minutest details, and of superintending with incessant vigilance even the routine of the office.

8th. Dr. Thornton called at my office, and showed me a letter that he had received from Dr. Allison, the Chaplain to the House of Representatives, the person with whom Thornton had made his first arrangements on his South American project—namely, that Thornton should go as Agent to South America, and Allison succeed him as Superintendent of the Patent Office. Allison, in the letter, comforts himself that although the Agencies to South America are otherwise disposed of, there will be another soon wanted for Peru. He enlarges upon the zeal with which he has promoted the re-election of Mr. Monroe by his influence as Vice-President of the general Baptist Association of Ministers, and his willingness to travel about the country and labor industriously in the same good cause, but complains of his inability to carry his good wishes into effect for the want of a little money. Neither Allison himself nor Dr. Thornton appears to have a misgiving of conscience as to the political purity or moral delicacy of this broad hint. To me it is very disgusting.

Among the subjects which have lately occupied much of my time and attention has been the disposal of the persons convicted and sentenced to death for piracy at Boston, Baltimore, Richmond, Charleston, Savannah, and New Orleans, amounting to more than fifty. There are three at Boston sentenced for piracy and murder. They were part of a prize crew, bound to Buenos Ayres, who murdered their master and mate and brought the vessel into Scituate, Massachusetts. The transaction was among the most atrocious of those that have occurred; and yet there are circumstances of extenuation in the individual cases which almost lay a claim to mercy for them. They petitioned the President for pardon, and J. T. Austin, one of their counsel, made a strong representation in their favor. But that of G. Blake, the District Attorney, was strong and earnest against them, and the Attorney-General, to whom the President referred their petitions for his opinion, reported that it would be an abuse of the pardoning power to extend it to them. The President had determined not to interfere with the operation of the law against them, and I had given the notice of it to Austin and the Marshal, when, two or three days before the President left the city, I received a private letter from Marshal Prince, most earnestly soliciting mercy for one of the convicts, named Rosewaine, on account of his youth, his good conduct since he has been in prison, and his own statement and that of his fellow-convicts, that his case had been aggravated by false testimony of an accomplice, who was the only witness against him. I read this letter to the President on receiving it, two or three days before he left the city; and, not having the other papers before him, nor a distinct recollection of them, the President said that if there was anything which would warrant him in making a discrimination, he would pardon this man. He left the city without giving any further directions. and in his letter to me of the 2d instant referred to the principles already settled, to be applied, with the opinion of the Attorney-General when necessary, to the several cases, and directed me to report him the cases in which pardons or reprieves would be proper. In the flood of business with which I have been incessantly overwhelmed, I have till this day had no time for this. To-day I took up and read all the papers relating to the persons convicted at Boston, including the last letter of Marshal Prince. My impression from the whole was, that Rosewaine could not with propriety be pardoned; but that of the President might be otherwise. The execution is fixed for the 15th, this day week. A reprieve to go by the mail must go the day after to-morrow, or might be too late. I found upon enquiry that I could not write to the President and receive his answer in time by post, and therefore sent the messenger of the Department, Joseph Warren, express, with directions to be back here with the

President's answer within office-hours to-morrow. I wrote to the President, stating the case of Rosewaine, and enclosing all the papers relating to it, with a request for an immediate decision. The dispatches that were prepared for H. Middleton went by the mail this morning.

9th. My messenger returned from the President's about three o'clock with his answer to my letter, and the papers returned. The President decides against reprieving Rosewaine, but authorizes a reprieve to issue if, upon consultation, a majority of the members of the Administration should be of a different opinion. I sent immediately for those who were in the city, Messrs. Crawford and Calhoun, requesting them to call at my office. Mr. Wirt is gone to Richmond. They came, and I submitted the papers to them, together with the President's letter. The opinion was unanimous, concurring with that of the President, that Rosewaine could not with propriety be pardoned. I then referred to them the case of the convicts at Richmond, of whom there are sixteen—all upon the case of the Irresistible, the same for which Ferguson and Denny were hung at Baltimore. It had been originally decided that two of those convicted at Richmond should also be executed; that if there were any circumstances of extenuation peculiarly favorable to any of them, they should be pardoned; if any circumstances of peculiar aggravation which could point to a selection of the two who should suffer, they should be attended to, and the rest should be reprieved for two months, as those at Baltimore, Charleston, Savannah, and New Orleans had been. Chief-Justice Marshall had promised to write to Mr. Wirt, and I had written to the District Attorney, Stanard, for information of particulars. Circumstances have been shown favorable to two of the men, Samuel G. Poole, and Speir, convicted by the name of Francis Oglesby, sufficient to issue for them a pardon. Chief-Justice Marshall's letter to Mr. Wirt names them as meriting particular favor. But neither that nor the District Attorney Stanard's letter to me affords ground for selecting any two of the other fourteen for execution. A list of their names, arranged according to the propriety of their conduct since they have been in prison, has indeed been furnished by the District Attorney, but resting upon precarious testimony, and without any reference to particular facts; their principal keeper declining to make any discrimination between them. It happens also that of the two lowest on the list, one is a Scotchman and the other a man of color. In the Richmond Enquirer of the 6th, which came this morning, there is a representation of four columns addressed to the President in behalf of all these men, urging the extension of mercy to them all. Mr. Crawford himself now proposed that they should be reprieved; to which Mr. Calhoun assented. As it was conformable to what had always been my opinion and my wish, I heartily concurred with this determination. The President left his seat in Loudon County this morning for his residence in Albemarle. The day fixed for the execution at Richmond is the 19th, and, as the post-office arrangement is not yet made for conveying letters to the President, there would scarcely be time to write to him to receive his answer and then to transmit the warrant of reprieve in season. I concluded, therefore, to presume upon the President's approbation, and include the whole fourteen in the reprieve, which I directed to be made out to-morrow. And, instead of making it for two months, I directed it for an indefinite period, until the Marshal should receive further orders. As it is the absolute determination of the President ultimately to pardon them, but to keep them a considerable time in prison, there would be much inconvenience, and some danger, in having to renew reprieves from time to time, for two months, at four or five different places, and at different periods of expiration. Scarcely a week would pass without a necessity for issuing a new warrant, and every time at the hazard of an accident which might prevent the receipt of it by the Marshal in suitable time to put off the execution. An indefinite reprieve avoids all these serious inconveniences. Before leaving the office, I wrote to Marshal Prince, informing him of the determination which had been reluctantly taken in the case of Rosewaine.

10th. I finished the first draft of instructions to the Marshals for taking the census. There are ten forms of blanks to be used in the process, which are to be transmitted with the instructions. In performing this duty, I have derived many facilities from the returns of the former enumerations, and greatly felt the want of a record of the proceedings in the Department of State on those occasions. There is indeed not one word on the records of the Department of State concerning it —not even copies of the former instructions to the Marshals. The instructions from the Secretaries of State and of the Treasury, in 1810, were, fortunately, printed in the National Intelligencer. The duties at that time assigned to the two Departments have been now allotted entirely to the Department of State, and I am desirous that if another census should be taken in 1830 there may be materials extant both for improving the law and the mode of executing it. I have directed a special record to be kept of all the correspondence which will occur in the execution of the law, and also a memorandum-book, in which may be noted every incident of importance which may arise in the progress and completion of the enumeration.

11th. This morning, as we were finishing our breakfast, a Mr. William Fenwick, of Richmond, came to my house with Strother, the keeper of the hotel, and brought me a letter of introduction from Vice-President Tompkins. Mr. Fenwick's object was to solicit mercy for the convicts at Richmond. He had two printed copies of a petition to the President, signed by the Judges of the Virginia Court of Appeals, and by many other respectable persons, in behalf of the prisoners. He had also a number of other papers, certificates from clergymen, and letters, with which he proposed to go to the President; among the rest, two letters from a young woman at Portland, Maine, sister to Samuel G. Poole, expressing very fervent religious sentiments. Fenwick himself spoke with much unction upon the case, and told me that Poole had become a very earnest preacher of the gospel to his brother convicts.

I informed him that there would be no necessity for him to go to the President, as warrants had already been forwarded yesterday to the Marshal at Richmond for the pardon and discharge of Poole and Oglesby, and a reprieve for an indefinite term of time for all the others.

Fenwick said he should not wish that they might all be immediately pardoned, because they had not yet all been awakened to religious impressions, and said that when Poole had been informed that an effort would be made to obtain by petition a pardon for them, his first exclamation had been, "Do not let those wicked ones know it!" Fenwick intimated that the treatment of the prisoners since they were sentenced had been rather more rigorous than was necessary, and mentioned particulars very disagreeable to think of: such as the men being chained together two and two, and not allowed single moments of retirement from the presence of their guards.

I told him that the Marshal, Moore, was a man of humanity as well as prudence, and I had no doubt would allow every relaxation from the rigor of their confinement which was compatible with his duty of keeping them securely. But if, upon his return to Richmond, he should find there were among those now reprieved any who could be recommended as deserving a pardon sooner than others, or any alleviation to the rigor of their confinement which could reasonably be desired, but which the Marshal should decline to allow, he might make a statement of any such circumstances to me, and I would forward it without delay to the President for his consideration. With this Mr. Fenwick declared himself to be satisfied.

12th. Mr. Fenwick called at my house again this morning, and told me he should immediately return to Richmond. He enquired if there had been any particular representations made to the President in behalf of one of the convicts by the name of Nelson. There had not. He then intimated a wish that some favor might be extended to a person named Green, who had been chained with Poole. I repeated the promise that if he would forward in writing a statement of any circumstances tending to recommend these, or any other individuals, to further clemency, it should be laid before the President, who would give every just consideration to it; but I reminded him that, with every proper sentiment of tenderness for these persons in their unhappy condition, it was not to be forgotten that they were all deeply involved in guilt—all had violated the laws of their country. After sparing their lives, it was also proper to remember that the crime of which they were convicted was not the only one that they had committed. The seizure of the Irresistible itself was a robbery, for which they had not been tried. Their shipping at Baltimore in either that vessel or the Creole was a crime, and well known to be so by themselves. Speir, one of the persons pardoned, was tried and convicted by the name of Oglesby. How came he by that name? He had assumed it at Baltimore when he shipped, conscious of the wrong he was doing, and anxious to shield his name from the reproach which he felt to be due to his conduct. As to the contrition and repentance of convicts between sentence and execution, it was desirable for their own prospects of eternity that such should be their temper of mind; but it was a death-bed repentance. Such recoveries were subject to relapse, and we must not lose our duty of discriminating between repentance and virtue. Benevolence itself sometimes tended to excess. There had been a petition signed by four thousand persons at Baltimore for the pardon of Ferguson and Denny, the two men executed at Baltimore, and a written statement had been brought with the petition, not signed indeed, but consisting of a narrative which, if true, would have secured their pardon. It was found, upon enquiry, to be wholly without foundation, and since the execution of Ferguson it had been proved that he had been guilty of other atrocious piracies besides that for which he suffered. It had originally been intended that two of the men convicted at Richmond should also be executed. It had been thought necessary that examples should be made to arrest this hideous crime of piracy. But it had been found impracticable to discriminate between the cases, so as to select the victims with propriety, and the interest taken in their behalf had finally prevailed to obtain mercy for them all. Mr. Fenwick assented to the justice of these remarks, and professed to be quite satisfied.

14th. Colonel Freeman, the Auditor, called at my office this morning to renew the recommendation of Judah Lord as Consul or Commercial Agent at Porto Rico. He also enquired for the papers which he had left relating to Clintock's disclosures, and which the President took with him to Virginia. He has not yet returned them. I wrote to him this day for them, and requesting his determination whether anything is to be done in the case. The President is perplexed between the sense of his duty to probe this matter further and his reluctance to expose the Collector of Savannah, a man married to the daughter of one of the Georgia Senators. It is, in theory, one of the duties of a President of the United States to superintend in some degree the moral character of the public officers who hold their places at his pleasure. But the difficulty of carrying it into practice is great, and the number of instances in which I see corruption of the deepest dye, without being able to punish or even to displace it, is among the most painful appendages to my situation. There are numerous indications, amounting in my mind to presumptive proof, that this Collector of the port of Savannah was part owner of a privateer fitted out at Savannah to cruise under South American colors, with instructions to take prizes of Spanish vessels and others—to send them into Savannah, and, if the vessels were other than Spanish, to order the prize-master to personate the captain of the vessel taken, and make the entry at the Custom House under that name. These instructions, Clintock said, were in the handwriting of a brother of the Collector. The privateer took the Nordberg, a Danish vessel. Ferguson, the man executed at Baltimore for another crime, carried with him from the privateer to the prize false Spanish papers, and made a pretence of finding them on board the Nordberg. They carried this vessel into Savannah, there entered her with her real papers as a Danish vessel, and Ferguson, according to the instructions, personated the captain. She was entered without the observance of regulations required by law by the Collector. Her cargo was sold, and the proceeds were received by merchants of Savannah, among whom was the person who had written the instructions—brother of the Collector. The ship was afterwards libelled for the United States, and afterwards by her supercargo for the owners. The supercargo obtained judgment against several persons, purchasers of the cargo, and compounded for what he could get. The *instructions* were filed in Court with the papers of the case; but another of the brothers was the Clerk of the Court. After Clintock's disclosure, this paper was searched for on the files of the

Court, and was not to be found. He is no longer Clerk of the Court. The annals of human depravity furnish no record of a baser transaction, and the presumption is violent against the Collector, as well as against both his brothers, of being involved in the guilt. Yet whether even an enquiry will be instituted is doubtful. Still more doubtful is it whether, if instituted, it will terminate in the punishment of the guilty.

15th. I was employed about half the time of office-hours in preparing papers to be sent to the President, and the remainder in drafting instructions for H. Middleton. These will require much time to be properly prepared. There is a register of public officers of the United States published once every two years by a resolution of Congress. But, as changes in every department are happening from day to day, I find myself continually embarrassed to know who are and who are not in office. I this day directed that copies of the last register should be bound, interleaved with blank leaves, upon which every change happening by death, resignation, or removal, and every new appointment, should be entered as soon as known. Further improvements to methodize this part of the business of the Department are to be thought of. Another subject upon which I wish to provide for the future is the collection of commercial information. Under a resolution of the Senate, a volume containing a digest of the commercial regulations of foreign nations was printed last year. I have ordered one of these volumes to be sent to every Minister and Consul of the United States abroad, with the request to each of them to examine the book, and to collect and transmit to the Department any further information relating to the subject that he can obtain respecting the country where he is stationed. I this day desired Mr. Bailey to keep a memorandum-book of reference to all the communications which may be received on this subject, and a copy of the Digest, interleaved with blank leaves, in which all changes by new ordinances of foreign countries shall be minuted.

16th. Richard Forrest showed me this day a letter from John Jacob Astor, dated at Rome in April. He wishes that a hint may be given to the President that A. Gallatin may not be recalled from the mission to Paris, and says there are many reasons for his being retained there, but does not explain them. Forrest supposes Astor means that it is the wish of Gallatin himself, and says he has a letter from another gentleman, but who did not wish his name to be known, stating explicitly that it is Gallatin's wish. The President therefore understood very exactly the state of mind in which Gallatin wrote the letter last winter requesting his recall. Gallatin has been twelve years Secretary of the Treasury, and seven years a Minister abroad. His foreign nativity was, at the opening of Mr. Madison's Administration, the insuperable bar to his obtaining the Department of State, and thereby cut off forever his prospects of coming to the Presidency. There is now no place at home which would be suitable for him and agreeable to him, and he would live contented in France if the salary would defray his unavoidable expenses. But it will not; and, although he may remain there one or two years longer, he will be compelled to return by want of means to remain. This condition of our Ministers abroad is a very difficult and treacherous one as respects themselves. The foreign missions are, of all the offices of the country, the most coveted, and the most likely to terminate in disappointment. I told Forrest that Gallatin would not return to the United States this year, and advised him to send Astor's letter to the President.

17th. Mr. Roth told me he had a letter from the Comte d'Artois, addressed to the President and members of the Congress of the United States, announcing the death of the Duke de Berri, and enquired whether he should deliver it. His instructions, he said, seemed to make it questionable, by expressing some surprise that the letter from the King announcing the same event had not been answered, and enquiring whether, by the usage of this country, these formalities were not approved. I told him the only reason why the King's letter had not been answered was, that it had not been received. Mr. De Neuville had told me he had such a letter, but that he purposely avoided asking an audience to deliver it, perhaps because he had himself officially announced the event before. But every such letter that was delivered was answered; that the proper direction of such letters from foreign sovereigns was to the President of the

United States. The English and Spanish Kings, however, addressed their letters to the United States of America. To that style we had no objection; but that of President and members of the Congress was an anachronism and an absurdity. There is no President of the Congress. Roth said he had supposed the letters must be addressed to the President of the United States, and that he would call and speak with me at the office about it.

19th. The two sons of Mr. Middleton—Arthur and John—called this morning at my office and told me that they should embark in the Albion packet from New York for Liverpool on the 10th of next month. I promised to be prepared before that time for them with the dispatches for their father. I could, however, make no time for the preparation of his instructions this day, the time being engrossed by writing to the President, and in drafts of letters to Mr. Correa, the Portuguese Minister, and to Baron Stackelberg, the Swedish Chargé d'Affaires, to be sent to the President for his revisal.

I sent him also a draft of a letter to E. Glenn, District Attorney at Baltimore, calling on him to take every measure in his power to prevent the fitting out of the Portuguese ship Montallegre as a privateer, which Mr. Correa writes is now doing. I spoke upon this subject the other day to Mr. Crawford, and requested him to write about it to the Collector at Baltimore, McCulloch. He said he would, but that it would be of no service; that McCulloch ought to have been removed long ago; that the old man was perfectly honest, but he was such an enthusiast in favor of the South Americans that there could be no reliance upon him to suppress anything that he thought would help their cause. I replied that I should think, since the hanging of the two men from the Irresistible, he might be made to know the difference between South American patriotism and piracy. Crawford said perhaps he might. I write now to the President requesting that instructions may be given both to the Collector and the District Attorney to prevent this armament of the Montallegre. Crawford's conduct upon this affair of the piracies is among the profoundest depths of political science. On the question about hanging the miserable, ignorant, deluded, and abused common sailors he was all decision and energy. My voice was against hanging any but those whose cases were complicated with murder. Crawford was the efficient cause of hanging Ferguson and Denny, and was for hanging two at Richmond, until Ritchie's Enquirer newspaper eloquence brought him to relent. But at the same time Crawford has been perfectly cold and inefficient in taking measures to arrest the piratical speculations. He does nothing to stimulate the Collector to the performance of his duty. I believe that his influence contributed to make Bland the District Judge. He made Webster captain of the revenue cutter, knowing that within half a year before he had been a lieutenant in one of the pirates. His conduct with regard to the people at Savannah is of the same complexion. So it is with regard to the slave smuggler, Mitchell. In all this there is neither energy, nor the zeal of virtue, nor co-operation to put down a crying sin and a flagrant shame. I have only to be true to my own duty.

20th. This day the instructions to the Marshals for taking the census, with the blank forms, were dispatched to the Marshal of Louisiana, being one of the most distant States. They bear date on this day. The mail is twenty-five days going between this city and New Orleans, so that the Marshal of Louisiana cannot receive the instructions earlier than the 16th of July—so that he will have only a fortnight to distribute them among his assistants throughout the State. This will be time enough, but will leave none to spare.

Gales, senior editor of the National Intelligencer, came to ask an account of some appointments which have been made and have not yet been communicated to the public. In this, as in many other parts of this Government, there is a great defect of organization. The appointments are now made by nominations proceeding from each Department of the Government separately. The commissions issue also from the separate Departments, and there is no one place where the names of all public officers can be found. Gales came particularly to be informed of the names of the Commissioners for laying out the road from Wheeling to the Mississippi. This road is to be continued by an Act of the last session of Congress, and appears to have introduced, sufficiently for practical purposes, the principle of expending public moneys upon internal improvements. The reason assigned for laying out this road is to make the public lands more valuable, and, as the Land Office is an appendage to the Treasury Department, the road and all operations concerning it are also under its management. Mr. Crawford had a plan of the road at the President's the day that he left the city, and told me that although the law required the road to be run as nearly straight as possible, he should see to make it run so as to pass through the seats of government of the three States of Ohio, Indiana, and Illinois.

21st. Mr. Poletica called, as he had promised, and gave me to read the letter from Pozzo di Borgo to General Tuyl. It relates to the recent revolution in Spain; to the differences between Spain and Portugal; to the situation of South America; to the interests of the Portuguese-Brazilian Government; and to the Emperor Alexander's favorite system for the preservation of general peace. This letter speaks in terms of unqualified disapprobation of the revolution in Spain, considering it as a revolt of subjects and of soldiers against their sovereign, and the sovereign himself as acting entirely under compulsion—a prisoner of rebellion. There are some faint remarks upon the indiscretions of Ferdinand's government, but no intimation of a doubt whether wickedness and tyranny and imbecility can possibly forfeit an hereditary right to reign. He takes occasion to remark that this state of things ought to impress the Brazilian Government more than ever with the necessity of harmonizing with Spain upon South American affairs; but cannot avoid foreseeing that it accelerates the prospects of independence of the South Americans.

I thanked Mr. Poletica for the perusal of this paper, and told him I was not surprised at the light in which he viewed the Spanish revolution. There was, however, another and a more favorable point of view in which the same event was to be considered, and which it was natural should be taken here. We considered it as a revolution favorable to liberty, and hoped it would terminate in good government and order. It has furnished a new and decisive proof that *authority* can no longer stand in Europe self-supported. It must have a shield as well as a spear, and that shield can be no other than the hearts of the people. There was great danger in Spain both of anarchy and of civil war, but there was none that Spain should overflow upon the rest of Europe, as had been the case with France.

To this Poletica assented, but he spoke with caution and reserve upon the affairs of Spain. He disapproves as much as his colleague at Paris, but does not venture so strongly to express his disapprobation. I spoke to him of the negotiation between France and Buenos Ayres recently divulged, and found him still more unprepared to talk of that than of Spanish affairs; it confirms him, however, in his opinion that the South Americans are not competent to maintain independent Governments.

23d. The current daily business of the office has hitherto prevented me from finishing the instructions to H. Middleton and to J. M. Forbes—both of which have been commenced. Forbes has written one or two letters from New York urging to have his immediately forwarded. I took them up yesterday, and this morning found it necessary to read over all the papers relating to the claim upon the Government of Chili for property taken from American citizens by Lord Cochrane. On this examination several striking coincidences raised in my mind a doubt whether that interest in Chili ought to be entrusted to Prevost; and another, whether some notice of those things which look unfavorably to the character of Prevost ought not to be made known to himself and enquired into. I therefore wrote to the President, enclosed to him all the papers, and asked his attention to those which bear especially upon Prevost, who, with more ability than any other of the informal Agents who have been employed in South America, has not escaped the common error of making himself a blind partisan, not only to their struggle for independence, but to their internal feuds; and in the case of these plundering outrages of Lord Cochrane he has been, to say the least, very remiss in supporting the rights and interests of his countrymen. Prevost is a special favorite of the President's, and I am aware there is some delicacy and danger in presenting these facts to him in a manner which attaches blame to him.

The censorial power of the President of the United States over the moral and official conduct of the officers appointed and subject to removal by him, is one of those the exercise of which is of the most extreme delicacy. There are cases when it is proper to mark disapprobation without expressing it; others in which it must be unequivocally expressed, and among them such as require different degrees of severity; others, finally, which demand the permission to resign, or, last of all, peremptory removal. In the discharge of this most painful and ungracious duty the President seems to me more governed by momentary feelings, and less by steady and inflexible principle, than I think he ought. But his failing leans to virtue's side. He is universally indulgent, and scrupulously regardful of individual feelings. He is perhaps too reluctant to exercise this power at all. He rather turns his eyes from misconduct, and betrays a sensation of pain when it is presented directly to him. Whether this weakness, as it appears to me to be, is not better than its proximate energy, is perhaps doubtful. In the theory of a President's duties, with almost as much indulgence, and the same tenderness for the feelings of individuals, I should look for a little more vigilance to observe, and a little more rigor to control, the faults of Executive officers. One of the consequences of this tendency to censorial laxity is the necessity under which I have often found myself, of presenting to the President cases requiring censure, and, after having presented them, of bringing them again and again before him, until something is done; for whatever he consents to do, unless it is to be executed immediately, he never thinks of it afterwards; and in the way of censure or punishment, if an order that he gives should not be executed, I doubt whether he would ever notice it, unless by having it again called to his attention.

26th. I was employed in drafting instructions for Mr. Middleton, and upon the special object of his mission, the question between the United States and Great Britain upon the construction of the first article of the Treaty of Ghent, concerning slaves and other private property. As usual for the preparation of almost all instructions, there was a considerable number of papers which I was obliged to look up and peruse, so that I wrote very little of the draft. It is a singular, and I apprehend will prove a very difficult and delicate, negotiation. During the late war, the British naval officers stationed in our waters and who landed on our shores received all the runaway slaves who could escape to them, and issued proclamations inviting them to join them. They enlisted numbers of them among their troops, and formed one or two regiments of them. They also took numbers of them prisoners in their predatory excursions into the country. At the conclusion of the treaty of peace the British Plenipotentiaries agreed to the article stipulating for the restoration of all places taken, without carrying away any of the artillery or other property originally taken in them and remaining in them at the time of the exchange of ratifications, or any slaves or other private property. Notwithstanding this, they actually carried away many hundred slaves, and great numbers of them within the whole description applied by the article to public property, namely, slaves who had not been removed from the places where they were originally taken. When Sir Alexander Cochrane and Admiral Cockburn were called upon after the peace to carry this article into effect, they found it obliged them to restore to their masters slaves whom they had enticed away from them by promises of freedom. They therefore set forth a violent and unnatural construction of the article to avoid compliance with it, refused to restore the slaves, and, with a very few exceptions, carried them all away. Their pretence was, that the clause limiting the promise not to carry away *public* property, to such as should have been in the places taken when captured, and remain there at the ratification of the treaty, must be extended also to slaves and other private property. They changed altogether the terms of the article to give it this construction, and the British Government have persisted in it. After a thorough discussion of the subject, first between the Commissioners who were sent by the American Government to receive the slaves and the British officers who refused to restore them; next between Mr. Monroe, when Secretary of State, and Anthony St. John Baker, the British Chargé d'Affaires; and finally between me and the Lords Liverpool, Bathurst, and Castlereagh in England, each party adhering to its own construction of the Article, a proposal was made on our part that the question should be submitted to the decision of some friendly sovereign or State. To this the British Government, after a delay of two years, assented, and it was stipulated by the fifth article of the Convention of 20th October, 1818. It has since been agreed that the Emperor of Russia should be the umpire. This reference of a question upon the construction of an article of a treaty to a third party is unusual, but not unexampled; though there is something whimsical in the idea that the United States and Great Britain, both speaking English, should go to the Slavonian Czar of Muscovy to find out their own meaning, in a sentence written by themselves, in the language common to them both. The question is one, however, not of language, but of grammar, or rather there is no question at all; in strictness of grammar the sentence admits of no other construction than that for which we contend. In the looseness of common discourse the whole sentence might be carelessly spoken with the meaning for which the British insist, but not without a solecism. The plain truth, as I believe, is that the British Plenipotentiaries at Ghent and their Government agreed to it without reflecting upon what they promised by it. The stipulation was perfectly just and proper, and their difficulty about carrying it into execution arose from the preceding wrong of their own officers in enticing away the slaves by promises of freedom. This reference of the question is a sort of drawing lots for the event. It gives us one more chance for justice.

28th. Arthur Middleton came for a paper which I promised him, being a copy of the ordinance of the Emperor of Russia concerning the privileges of foreign Ministers at his Court, for the admission of articles free from duties. This paper had been transmitted to the Department by William Pinkney when he was at St. Petersburg. Last week I had promised a copy of it to Middleton, who wanted it for his father, and desired Mr. Brent, the Chief Clerk, to look it up. The next day, when Middleton came for it, Brent told me that it could not be found. Certain as I was of the existence of the paper, I requested that a more earnest search should be made for it; but when Middleton came this morning, it was still not to be found. I was then obliged to overhaul the whole of Pinkney's correspondence myself, and, after a search of an hour or more, found the paper. This happens to me almost every week, and is among the strongest trials of my patience. It results from the want of a regular method of keeping the papers; or, in other words, from a defective organization of the Department.

I was yet engaged the remnant of the office-hours in preparing the instructions for Mr. Middleton, and particularly in reviewing our controversy with Great Britain upon the construction of the first article of the Treaty of Ghent. I found upon re-examination of the British arguments that they had not been all replied to. Some of them are so weak and sophistical that one feels ashamed to answer them; others are plausible and insidious; and there is a tone of dogmatism in these, as in most others of the State papers of the British Cabinet, which seems to say, If you will take this for reason, well and good; if not, you must put up with it as you can, and take it for our will. "Stat pro ratione voluntas." As I proceed with the draft of the instructions, I find much to say, and views of the question of a delicate nature, but which I believe must be presented to the Emperor. The Article as it stands is not susceptible of a question, and the British cannot make one without a perversion of the plainest rules of grammar. The real state of the case was, that the British agreed to the Article without considering what it bound them to. They had carried on a dishonorable war by stealing and debauching slaves, under promises of freedom. They signed the Article promising to carry away no slaves, without adverting to its operation upon their previous promises to the slaves, and when summoned to perform their engagement they endeavored to escape from it by prevarication. Now, all this must be made manifest to the Emperor Alexander, and the unprincipled character of the war, as carried on by the British, must be thoroughly disclosed. How and at what time to do this will be a consideration requiring great discretion and dexterity; but the instructions to Mr. Middleton ought to lay open the subject to the bottom.

I wrote till five, and suppose I have yet at least three days more of work upon this draft before it can be finished.

29th. I was yet engaged upon the draft for Mr. Middleton's instructions, which I did not finish. My solicitude upon this subject is perhaps too great. In the paper that I am preparing there is much repetition of what has been said before, and much which it will be very difficult for Middleton to say at all. If the Emperor undertakes to decide the question at all himself, what he will require will be a very concise and summary statement of the question, presented in a striking point of view. For there is nothing that Emperors and Kings loathe so much as long arguments. On the other hand, all those who have interests of property in litigation insist upon having everything said for them that can be said, and if anything alleged by the adversary is left without answer, they are prone to attribute any failure of their cause to the omission. My object is to put Middleton in possession of the whole subject, and to prepare him with answers to anything that has been said on the British side; but he must use it all in his discretion, and must abridge the argument in presenting it to the Emperor as much as possible, without balking the merits of the question.

Day. The Emperor Titus, after passing a day in which he recollected no good deed, said he had lost a day. Enquiring upon self-examination how many days of my life have passed which I could with a clear conscience say I had not lost, another question occurs of what may properly be termed doing good. In the instance of the Emperor Titus, I suppose it meant acts of beneficence to individuals, the objects and the means for which could not fail to recur every day to a Roman Emperor. To a person in private life the object must occasionally, and the means often, fail. In my station, it is a constant source of mortification that the disproportion of the means is so great to that of the objects. But good offices and kindness to individuals are but a single branch of the duties of doing good. In the relations of domestic life, and in those of neighborhood, there are continual occasions for doing good or evil. In public life it is doing good to serve one's country. And genius has always the means of doing good to all mankind. I have always considered it my duty to do good to the utmost of my power, but in the selection and employment of the means of doing it I have not been successful according to my wishes. It must be inspiration from above.

July 5th. At the office, Pleasanton came concerning the settlement of Captain O'Brien's account. This is the third time that O'Brien settles, and he certainly will make application to Congress again. The system of our Consular establishment in Barbary has always been bad, and was formerly worse than it is now. O'Brien was an Irish sailor, who had got to be master of a vessel, the first taken by the Algerines under the American flag in 1785. His only qualification for being Consul was his having been ten years in Algiers as a slave. He took part in the negotiation of our first peace with Algiers, and claims great credit for it. Cathcart does the same, and both with little cause. There were too many makers of that treaty, and it was a very bad one. O'Brien was then sent as Consul, and, what with annual tributes to pay, and presents to make, and trading speculations with Algerine Ministers and Jew brokers, and French and Spanish captures, O'Brien contrived to scatter enormous sums of public money, and to open an inexhaustible fountain of claims for himself. Cathcart has done the same, and they will both be laying siege to Congress for more grants and allowances as long as they live. Pleasanton brought me this morning a book containing a full settlement of O'Brien's accounts in 1806, when every charge that he made was admitted; notwithstanding which, he made new claims and obtained a new settlement in 1808. Last summer he worried a further allowance out of the President. He has now got an Act of Congress that will give him about ten thousand dollars more; and the next session he will be at them again.

8th. Rode to the office a little before noon, and was occupied with the drafts of dispatches to Forbes and to J. B. Prevost. I was unable to complete them, and was much dissatisfied with what I did. I found no small difficulty in preparing the letter to Prevost, whose conduct has, in my opinion, been very exceptionable, but who is in such high favor with the President that he judges of him more indulgently than I do. My duty being under these circumstances to convey to him the President's sentiments rather than my own, I am always apprehensive, in alluding to the parts of his conduct which I think improper, of manifesting the displeasure which I feel, and of touching upon them with a hand not sufficiently gentle. The President has directed that the affair of Lord Cochrane's capture of money belonging to citizens of the United States should be specially committed to Forbes; that Prevost should be informed his conduct had been criticised, and that a copy of the intercepted letter concerning him should be sent to him. Of the authenticity of that letter I myself have doubts; but, even if it is a forgery, written with the express purpose of injuring Prevost here, it shows too much knowledge of his real conduct, and tallies too well with his own letters, to leave him altogether justified. Its point is, that it extols in the highest terms of commendation that which was in reality gross misconduct, and of the very species of misconduct which Prevost has not been scrupulous of charging upon Biddle; though, on the other side, Biddle's conduct was perhaps indiscreet, and not entirely disinterested. But he turned it at least to the account of his countrymen, for whom he saved and rescued property to a very large amount. He obtained also the release of many citizens of the United States who were prisoners. Prevost has never saved a dollar nor obtained the release of a man. And in the case of the property, one hundred and forty-five thousand dollars, plundered from American citizens by Lord Cochrane, instead of espousing and maintaining the interest of his own countrymen, he has rather taken side against them, seizing a most unsuitable time, in the very letter giving an account of this transaction, to pass a high panegyric upon that swindling robber. There is something disheartening in all our correspondence and transactions relating to South America. We have done everything possible in their favor, and have received from them little less than injury in return. No satisfaction has been obtained from them upon any complaint, and they have been constantly endeavoring to entangle us with them and their cause. Prevost has been one of their dupes, if not worse, and by his correspondence has contributed all in his power to make us dupes also. I am curious to see how he will account for this letter of Guido.

15th. I went out this evening in search of conversation, an art of which I never had an adequate idea. Long as I have lived in the world, I never have thought of conversation as a school in which something was to be learned. I never knew how to make, to control, or to change it. I am by nature a silent animal, and my dear mother's constant lesson in childhood, that children in company should be seen and not heard, confirmed me irrevocably in what I now deem a bad habit. Conversation is an art of the highest importance, and a school in which, for the business of life, more may perhaps be learnt than from books. It is, indeed, and must be, desultory and superficial; and, as a school, consists more in making others talk than in talking. Therein has been, and ever will be, my deficiency—the talent of starting the game. A man who has that need talk but little himself. When once the ball is set in motion, it will roll, and in considering conversation as a school, I mean it as a school to learn, and not to teach.

22d. At the office, I wasted much time by inserting a list of new appointments in the register of officers; and wrote to the Governor of Georgia to give him certain explanations. When he applied last winter, by virtue of resolutions of the Legislature of that State, for the holding of treaties with the Creek and Cherokee Indians, he requested that General Jackson might be appointed one of the Commissioners on the part of the United States. He was not appointed; the reason of which I believe to be the enmity between him and Crawford. But the reasons assigned to me by Calhoun were two: first, that Jackson himself had earnestly requested not to be employed again as a Commissioner to treat with Indians; and, secondly, that the State of Mississippi had already applied for his appointment to treat with Indians in that State, which had been declined for the same reason. I wrote, therefore, to Governor Clark, assigning these reasons for the non-appointment of Jackson. A few days since, the newspapers announced the actual appointment of Jackson as a Commissioner to treat with the Mississippi Indians. I spoke of it last evening to Calhoun, and told him what I had, upon his suggestion, written to Governor Clark. He said he had told me that the appointment of Jackson on the Mississippi application was *withheld* till it should be ascertained whether he would accept it; and, as there had been a strong solicitation to him from the whole delegation of the State of Mississippi, he had very reluctantly consented to serve in that case. An explanation from me to Clark became necessary, for which purpose I wrote to him. This whole affair of negotiating treaties with the Creeks and Cherokees is made an affair of violent party opposition in Georgia. Cobb, the member of the House of Representatives who, the year before last, brought forward the resolutions against Jackson, last winter, after getting a hint from Crawford that a message from the President to Congress founded upon Clark's application would go, recommending an appropriation to hold those treaties, made a motion in the House to the same effect, and although in his speech he told the House that he understood such a message would come, yet he afterwards published his speech with a note insinuating that the Executive of Georgia had neglected to transmit the resolutions of the Legislature to the members from the State in Congress, and that the President's message had been got up in consequence only of his motion. And there has arisen from this a long newspaper controversy, not yet concluded, to whom, Clark or Cobb, the merit of obtaining this appropriation belongs—all which, as well as the screening of Mitchell and others from punishment, and the appointments of Lacock and Matthew Lyon and numberless others, is mingled up with Crawford's pretensions and intrigues for the next Presidency.

24th. I was engaged upon the draft of a form of instruction for Ministers of the United States going abroad. The documents to be furnished them—the particulars relating to their compensation—those relating to the keeping and transmission of their accounts, and to the mode of writing their dispatches, are the same for all; and there are several other objects upon which it has occurred to me that standing and common instructions to all would be proper: such as their corresponding with each other; their deportment to the sovereign to whom they are accredited, and to the Diplomatic Corps of the same Court; their relations with the Consuls of the United States in the same countries; their duties with regard to granting passports; to insist upon the alternative in signing treaties, and to decline accepting the presents usually given by Kings on the conclusion of treaties and to departing Ministers. I have included all these in the form which I am now preparing, and in making provision to furnish them with a set of the United States Laws, Niles's Register, Wait's State Papers, and the Commercial Digest, lately published, have appropriated them to the missions, and added an instruction to furnish any supplementary information that they can collect respecting the commercial regulations of foreign countries. Here I shall stop for the present, to avoid making the instructions too long, and to have the form ready for use. But a still more comprehensive set of standing instructions would, I have no doubt, be useful, and may, if I have perseverance to pursue the plan, judgment to select the topics, and precision to concentrate the thoughts, be engrafted upon it, or thrown into the form of a separate memoir.

27th. A Mr. Bestor came with a packet of papers, addressed to Mr. Bailey, brought by a Mrs. Cornell, a poor widow woman, just arrived from Rhode Island, who requested that, Mr. Bailey being absent, I would open the packet. It contained a petition signed by several persons in Rhode Island for the pardon of a youth named Cornell, a soldier convicted of murder, and sentenced for execution the 28th of September next; a statement of his case, and a copy of the proceedings upon his trial; a certificate from his commanding officer, importing that he is underwitted; and a letter from two lawyers, who were his counsel, to Bailey, recommending the case to him. This Mrs. Cornell is his mother, and has been advised to come here to see the President himself. Bestor said she wished to go on to his seat in Virginia, but had not the means. I told him it would not be necessary, nor, in my opinion, proper. I promised to transmit the papers to the President to-morrow, and assured him that the President's determination upon them would be the same as if Mrs. Cornell should go to him herself.

He said she would doubtless wish to come to-morrow and see me, and I told him I would with pleasure receive her. I wrote to the President, enclosing the papers. He has already, upon applications made directly to him, ordered a reprieve for a man at Alexandria, convicted of murder, and sentenced to be executed to-morrow—a reprieve for twelve months—upon certificates that the man is underwitted, and a recommendation from the jurymen who convicted him, not given at the time, but wormed out of them now upon this new device of idiocy. I have no doubt it is a gross imposition, and suspect this case of Cornell to be no better. They dare not bring forward these pretences at the trials, because they would then be disproved; but the moment a man is sentenced to die for these offences that strike at the very existence of human society, religion, humanity, family influence, female weakness, personal importunity, pious fraud, and counterfeit benevolence all join in a holy league to swindle a pardon from the Executive. The murderer is pumped and purged into a saint, or certified into an idiot. Fathers and mothers, brothers and sisters, travel hundreds of miles to work by personal solicitation upon the kindly feelings of the President. First they extort a reprieve, then they worry out indulgences, and finally screw out a pardon. A pardon for wilful and deliberate murder!

August 11th. I wrote several letters concerning the collection of the State laws for the Department. By a resolution of Congress of 23d September, 1789, it is made the duty of the Secretary of State to procure from time to time such of the statutes of the several States as may not be in his office. This resolution has never been carried systematically into effect. The removals, changes, and fires, together with the British invasion in 1814, and the want of system in the administration of the Department, had reduced its library almost to nothing. There were no regulations for keeping it; anybody took out books from it, and no one was responsible for the return of them. They were, accordingly, all in broken sets. Mr. Rush, while acting in the Department, had written a circular requesting the District Attorneys to procure and forward the statutes of the several States where they resided, which some of them had answered and some had not. Until the new offices were built, there was neither library-room, nor shelves, nor librarian. With the view of introducing a better order of things, I had an apartment laid out in the new building, to which the office was last summer transferred, equal in extent to two of the other rooms, and appropriated it to the library. Shelves were procured for putting up the books. I charged the youngest clerk in the Department, Thruston, with the custody of the library, and directed him to let no book go out without a minute of it being made, and notice given to the person taking it that he must be responsible for its return. And now I undertook to obtain a collection of the State statutes. I wrote last November a circular to all the District Attorneys, requesting each of them to send me a statement of every edition of the statutes of the State, whether in the colonial condition or since Independence, and to procure and send me a copy of every one of them that could be obtained at a moderate price. The answers have been coming in from time to time ever since, and there are three or four from whom no answer is yet received. The pressure of other business has made it impossible for me to attend to every letter as it came in. I have now a collection, almost complete, of the statutes of the States, but there are still wanting those of Virginia, North Carolina, Tennessee, and the Territory of Missouri, and those of several other States are yet incomplete. To keep the collection complete when made, we must receive from twenty-four States and two Territories, from year to year, and from some of the States twice a year, the laws passed at every session of the Legislature. To effect this, I wrote last winter a circular to the Governors of the States, requesting them to furnish the Department with a copy of their laws from session to session, and suggesting to them the example of Massachusetts, which, by a resolution of the Legislature, sends four copies of its laws—one for the President, one for each House of Congress, and one for the library of Congress. Some of the Governors have complied, others have taken no notice of my letter; and as the Governors of the States themselves are changing from year to year, and the successor will probably have no knowledge of my letter to his predecessor, this expedient will not answer the purpose. I this day bethought myself of writing a circular to the official printer of the State laws in every State, requesting him to furnish one copy of the statutes, from session to session, and I made a draft of such a circular. The District Attorneys of Virginia had suspended the execution of my orders to procure the respective statutes, and in January had written letters asking explanations of my first letter. When theirs were received, I was driven by other more urgent business from immediately replying, and laid by their letters for a moment of leisure, which I have not found till this day. I now replied to them. It also occurred to me as necessary to draw up a letter of instruction to Thruston, as keeper of the library. This will require more leisure.

12th. At the office, I pursued the subject of examining the State statutes collection, which I found yet very imperfect and wanting arrangement. There was a hunt of an hour or two for books and letters which I wanted and which were not to be found.

19th. I had a large mail, and consequently wrote only part of a letter to the President. It was upon the affair at Savannah, an affair upon which I scarcely dare trust myself to think. The delays and hesitation of the President and the connivance of Crawford in regard to these most infamous transactions have forced me to push the subject again and again. Two of the parties, one of whom is the Collector of the port of Savannah, have against them the most violent presumptive evidence of having committed crimes punishable with death. The third has strong presumptive evidence against him of misprision of the same crimes. But one of them has been a Senator of the United States, and another, the Collector, married the daughter of the present Senator Elliot; they are all men of consequence in the State of Georgia, and open standing puffers of Crawford's pretensions to the Presidency. It sickens me to the heart to be forced to act in this case; but a duty paramount to every other consideration urges me, and I will not shrink from it.

21st. The Abbé Correa, Portuguese Minister, called upon me this morning, just returned from a visit in Virginia to Messrs Jefferson and Madison and the President. I had much conversation with him upon our differences with Portugal, which arise principally from the piratical depredations committed upon Portuguese commerce and subjects by vessels armed and fitted out in our ports, cruising under the flag of Artigas. He was moderate in his tone of complaint, and professed to be satisfied with the assurances I gave him of my own earnest desire, and the disposition of the President, to put down these practices. He will, however, write to me on the subject.

25th. I now sit down, the moment after rising, to my task,[1] in which I write slowly, with great difficulty, and much to my own dissatisfaction. My division of my subject remains as I struck it out on first beginning the report three years since. But my plan and many of my opinions vary as I write. My views of the subject multiply. Different aspects present themselves of the same materials. I approve and disapprove of the new French system. I admire its design and the spirit and perseverance with which it has been pursued. I think it erroneous in some of its principles and impracticable in many of its provisions. The enquiry into natural standards has led me into speculations which by many may be thought ridiculous or absurd. I am going into a commentary upon the old English statutes relating to weights and measures, which will be dry and tedious, and am in constant danger of consuming the little time left me for preparing the report without being ready for it at the next meeting of Congress.

28th. The Abbé Correa had sent to ask a conference with me concerning his proposal that we should appoint Commissioners to enquire into the captures, by armed vessels fitted out in our ports, of Portuguese vessels and cargoes. I appointed to-morrow at two o'clock to see him.

29th. The Abbé Correa came according to appointment, and, in a conference of about an hour, urged the proposal which he had made in a note for the appointment of Commissioners to ascertain the amount of Portuguese property taken by privateers armed, fitted out, and manned in ports of the United States and sailing under the flag of Artigas. I stated to him the objections that there would be to the appointment of such

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[1] The report on weights and measures called for by Congress.

Commissioners to perform duties already assigned to our judicial tribunals. He had no confidence in our judges. He was perfectly satisfied with the dispositions of the Executive, but the nation must be answerable to others for the acts of its people. These depredations had excited great resentment among the Portuguese, which others (the English) were always ready to inflame. I told him they had the same complaint against others as against us. The pirates were of all nations. He said the same complaints had been made to England, who had given ample satisfaction. They had hung some of the pirates, and did not admit the Artigas flag into their ports. I finally told him that the President would decide upon the proposal after full deliberation—probably not until after his return to this city, and upon consultation with the members of the Administration. I should then answer his note. He said he must embark for Brazil in the course of next month, but should present Mr. Amado to me as Chargé d'Affaires, and my answer might be addressed to him.

September 1st. The Abbé Correa came and took leave. He goes to-morrow to Wilmington and to Philadelphia, if the yellow fever, of which there have been three or four cases there almost every day these five or six weeks, should disappear. The Abbé has been many years in this country, first as a fugitive from the fangs of the Inquisition, and afterwards as Minister Plenipotentiary, which he has been these four or five years. He is now seventy years of age, and is yet full of spirits, vivacity, and wit. He is among the men I have known one of the most entertaining conversation. His political situation here for the last two years has been unpleasant—continually remonstrating against the Baltimore piracies under Artigan colors, and hitherto with little success. The Abbé is, apparently, well satisfied with the prospect of going to a comfortable office in Brazil.

2d. My occupation absorbs my attention to such a degree that I this morning gave a signal example of my carelessness. At the office I found a note from my old classmate at college, W. A. Barron, who is a captain of engineers in the army, mentioning that he had called to see me, but without saying where he was to be found. I conclude he was merely passing through the city. I wrote letters to R. Rush, and to a Mr. Wolf at Philadelphia, and, having gone into the library to consult some books, was there so late that the watchman to the building, thinking me gone, locked me in. It was past six o'clock when I got home to dinner.

5th. I received a dispatch of 14th July from A. Gallatin; after Mr. Hyde de Neuville had arrived in Paris. Gallatin encloses a copy of a very able note that he had sent to Baron Pasquier, the French Minister of Foreign Affairs, concerning the tonnage duty upon French vessels coming into the ports of the United States, laid at the last session of Congress, but he complains that the measures of Congress which he had recommended were not adopted, but others more irritating to France, and also that his letters were published. The law of Congress was certainly a blister, and his letters were not oil to soften its application. The commencement of the law was fixed too soon, and the duty was too high. But France had been so sluggish and so deaf to friendly representations that it was necessary to awaken her by acts of another tone.

7th. W. Lee came with a letter from M. M. Noah, editor of the New York Advocate, a Jew, who was once Consul at Tunis, recalled for indiscretions, and who has published a Book of Travels against Mr. Madison and Mr. Monroe. He has great projects for colonizing Jews in this country, and wants to be sent as Chargé d'Affaires to Vienna for the promotion of them. He is an incorrect, and very ignorant, but sprightly writer, and as a partisan editor of a newspaper has considerable power. He urges with great earnestness his merits in supporting the Administration, as a title to the President's favor. He is, like all the editors of newspapers in this country who have any talent, an author to be let. There is not one of them whose friendship is worth buying, nor one whose enmity is not formidable. They are a sort of assassins who sit with loaded blunderbusses at the corner of streets and fire them off for hire or for sport at any passenger whom they select. They are principally foreigners; but Noah is a native. He is salaried at a low rate by the Anti-Clintonian Tammanies at New York to keep up a constant fire against his Administration; and Noah pretends that this is serving the General Government, because Clinton is a standing Presidential candidate and carries on an insidious war against Mr. Monroe.

9th. At the office I wrote to the President, and also to T. B. Wait at Boston, concerning the printing of the secret journals of the old Congress. Perhaps a fourth part of the manuscripts containing the secret journals consist of proceedings which were published in the public journals at the time. They are marked in the margin of the manuscript volumes with a P. The terms of the resolutions of Congress being to publish only the secret journals, I had directed that in copying the manuscripts all the parts marked with a P. should be omitted. But when I came to examine the copy I found that many of those parts were so essentially connected with the secret part that it would scarcely be intelligible, especially as the old public journals are quite out of print. I have had copies made, therefore, of the omitted parts of the manuscript I am now forwarding to Wait; but that has already taken eight or ten sheets of paper. I then took up one of the volumes the manuscript of which has already been sent to Wait, to make reference to the dates and pages of the old printed journals, from which I shall direct him to take them, and, after spending the best part of two days upon it, I have reached only the year 1778 of the foreign volume. It would be the drudgery of at least a fortnight; and I cannot spare the time. I shall give it over to Mr. Brent; but he was absent this day from the office.

18th. I took, by the President's directions, two sets of papers to Mr. Wirt—one of them a complaint from the Spanish Minister, General Vivés, against Captain Trenchard of the Cyane, for taking a Spanish slave-trader, and the other the papers implicating persons at Savannah. Wirt told me he was going the day after to-morrow for West Point, to place his son at the military academy there. He also showed me papers that he had received from Mr. Jones, the Chief Clerk in the Treasury Department, in the absence of Mr. Crawford. It has been advertised that the last instalment of the Louisiana loan would be paid on the 20th of October next. The case is, that the revenue has fallen so far short that there is not money in the Treasury to make the payment. Jones, in Crawford's absence, stated the fact to Cheves, President of the United States Bank, enquiring whether the bank would make the payment for the Government. The bank are willing, but an article of their charter prohibits them from loaning money to the Government beyond half a million without an Act of Congress. Cheves presents a plan by which the bank will furnish the money, and take the stock, in a form that should not in law have the effect of a loan to the Government or of a purchase of the stock, but which shall in substance be both. He then sends this plan to W. Pinkney, of Baltimore, for his opinion whether it is feasible. Pinkney gives his opinion upon the whole that it is—in law. Cheves sends the case, with the project of the bank and the opinion of Pinkney, to Jones, requesting that the opinion of the Attorney-General may also be taken upon it. Wirt expressed much surprise that an affair of this importance should be left to be transacted by a clerk; that Crawford, when he left this city on the 1st of August, should not have known of this defalcation of the revenue; or, if he knew it, should neither have made provision for meeting the emergency, nor communicated it to the other Commissioners of the sinking fund. I was surprised at it too. I thought, and told Crawford last winter, that the deficiency of the revenue would be more than three millions. He might just as easily have obtained authority to borrow five; but he did not expect to want more than three, and, under the authority given him by a law to borrow that sum, he has yet actually borrowed only two. I concluded that Jones had given notice of this state of things to the President, and that this was one of the occasions of his coming at this time to the city. On returning home, I received a message from him informing me that he had arrived and would be glad to see me to-morrow morning.

19th. I went to the President's, where I found Mr. Wirt. He had brought the papers concerning the proposed accommodation to be furnished by the Bank of the United States to the Government; but the President had not heard before one word of the deficit in the revenue. His motives for coming here were principally relating to the state of our foreign affairs, and chiefly with regard to Portugal and France. I had a conversation of nearly three hours with him upon these points, which it is impossible for me to record in detail. With regard to Portugal, he seemed inclined to ascribe the hostile aspect of our relations with her in a great measure to the ill will of the Abbé Correa, to whom he imputed motives not very laudable. The Abbé has been upon a visit to Mr. Jefferson, to whom he talked so much about an American system, in which his Government and ours should be united, and, by concert with the European powers, should agree to keep the coasts of this hemisphere clear of pirates, on condition that they should sweep the seas of the Eastern Hemisphere clear of Barbary pirates, that Mr. Jefferson had been disposed to favor the project, and thought it might be carried into effect, so that our squadron might be withdrawn from the Mediterranean. The President said he had observed to the President (Mr. Jefferson) that an American system upon that plan would be an alliance between the United States and Portugal against the South American independents, which was hardly reconcilable with any just view of our policy; and this was certainly true. I added that the Abbé had more than once broached this subject of an American system to be concerted between the two great powers of the Western Hemisphere, meaning the United States and Portugal. I had never disturbed the Abbé in his romancing; but Portugal and the United States are the two great American powers much as a jolly-boat and the Columbus are two great line-of-battle ships; and as to an American system independent of Europe, Portugal is neither American nor independent. So long as Portugal shall recognize the House of Braganza for her sovereign, so long the House of Braganza will be European, and not American—a satellite, and not a primary planet. As to an American system, we have it; we constitute the whole of it; there is no community of interests or of principles between North and South America. Mr. Torres and Bolivar and O'Higgins talk about an American system as much as the Abbé Correa, but there is no basis for any such system. The President said Mr. Jefferson had told the Abbé that as to the appointment of

Commissioners to try the captures of Portuguese property by Baltimore pirates, it was out of the question—there could be no such thing; that the Abbé had been exceedingly irritable, and talked under very high excitement, for which Mr. Jefferson could not account.

I said that in his communications with me here the Abbé had been mild and moderate; that I believed the subject was very disagreeable to him, and that he was very glad to be relieved from all further agency relating to it. But I had no difficulty in accounting for his excitement and irritability. The Portuguese property taken by the pirates, notoriously and openly fitted out at Baltimore, officered and manned by our own people, was enough to make any man in his situation irritable. The sufferers, of course, immediately resorted to their Government, and the Government, by their instructions, to him. It was my opinion that Portugal had real grounds of complaint against us, and that if the case had been reversed, and we had suffered in the same way and to the same extent by her people, we should have declared war against her without hesitation. War was not to be dreaded from her; she had too strong an interest against it; but she might assail us by commercial regulations and restrictions, and the Abbé had told me she infallibly would.

The President wished me to write to the Abbé and call for his proofs against the naval officers and judges of the United States whom he has denounced, and also his proofs in all the cases of Portuguese vessels captured by Baltimore pirates. He said if there was proof against any of our naval officers they ought to be dismissed, and if against any of the judges it should be laid before Congress. With regard to France, he thought that, notwithstanding the resentment of France at our late tonnage duty, the French Government, after satisfying their own pride, will conclude to negotiate. He wished me, therefore, to draw up instructions for Mr. Gallatin upon all the points in discussion between the two countries—the discriminating tonnage duties, direct and indirect; the Consular Convention; the delivery of deserting mariners; the claims of our citizens upon the French Government; and a claim on the part of France of special privileges in Louisiana.

I asked him on what principles the instructions upon each of these points were to be drawn. I told him what I supposed would be the proposals of France on the tonnage duties; that is, that the duties on both sides should be so proportioned that each party should have half the shipping employed between them. I stated their argument upon it—that upon equal terms they cannot stand a competition with us in navigation, and that the advantages which our navigators have over theirs must in some manner be countervailed, to enable them to have their just proportion of the carrying trade. He said he thought there was weight in it. But, I observed, I did not see how we could possibly assent to the principle. We had offered to all the world entire reciprocity. Great Britain and several other nations had accepted the proposal. France now called upon us to agree to be clogged, in order to enable her people to hold competition with us. If we should assent, our own people would first be dissatisfied, and next, all the nations with which we have stood on terms of reciprocity. We should have clamor and discontent from all quarters. As to the Consular Convention, that, with France, was an affair of state. She wanted, by means of Consular jurisdictions, to retain all her power over Frenchmen in this country. The operation of the system was always odious here. The old Congress had refused to ratify the Convention which had been negotiated by Dr. Franklin. Mr. Jefferson finally signed one with the Comte de Montmorin, which was the most unpopular treaty ever made by us. It gave constant dissatisfaction while it lasted, and would be no less disapproved if now renewed.

The President thought it would be best to keep the subjects separate, and to postpone the matter of the Consular Convention; that we should agree to the article for restoring deserting seamen, and persist in rejecting the claim of privilege in Louisiana. With regard to the claims of our citizens, as there will be no prospect of obtaining any indemnity for them at present, Mr. Gallatin should be instructed to endeavor to obtain an article stipulating that they shall be considered hereafter. On returning to my office, I began the draft of instructions to Mr. Gallatin.

20th. I took to the President three dispatches received this morning from A. Gallatin—the last subsequent to the two retaliatory ordinances of France of 26th July. They show such a change in the aspect of affairs, that the draft of instructions which I began yesterday will no longer suit. I mentioned to the President the substance of the dispatches, and left them with him. The first of the two ordinances is a retaliatory duty of ninety francs a ton upon American vessels entering French waters laden. The other gives a bounty of ten francs per hundred kilogrammes upon cotton brought in French vessels from any part of the two Americas. The objects of this are to obtain a supply of cotton for their manufactures, to invite evasions of our French tonnage duty, and to give a premium upon Brazil cotton. Mr. Gallatin does not appear to consider it in that light. It was four o'clock when I left the President's, and I lost the day at the office; for I consider every day as lost in which there is no writing done.

21st. At the President's, I found he was preparing to leave the city again to-morrow morning for his seat at Oakhill, in Loudon County, Virginia. I had a long conversation with him again upon the instructions to be given to Mr. Gallatin. We concluded that the basis of arrangement proposed by Baron Pasquier could not be accepted by us. The motives and principles upon which we arrived at this conclusion are to be stated in the instructions, for which reason, as well as for want of time, I shall omit the detail of them here. But it appears to me that the greatest difficulty of our present position is with Spain. When the session of Congress comes on, we shall be still with the treaty unratified, after threatening measures to take possession of Florida, and postponing them only to give the Cortes an opportunity to do us justice. The Cortes will do nothing, and the question what we are to do will come upon us with double recoil. The President, I found, had no inclination to take forcible measures. Symptoms of convulsions in Europe are thickening. The revolution in Spain has been acted over again at Naples. The Emperor of Russia has issued a fulminating declaration against the Spanish revolution, and Austria is marching troops against that of Naples. A plan of counter-revolution has exploded in Spain, and a civil war between Naples and the island of Sicily appears to be impending. France, England, Germany, emit volcanic smoke, and time is teeming with another great political earthquake. Our own situation is uncomfortable—our finances disordered, our resources decayed, and tranquillity seems, in the view of the President, the pole-star of our policy. Of all political courses, the easiest for execution is that which consists in doing nothing—Far niente. But it has a result which seldom turns to good account—it effects nothing. I told the President that the non-ratification of the treaty would give no dissatisfaction in this country, excepting to the persons whose claims were provided for in it. The Southern and Western people would be glad to have the treaty set aside. But, as Spain will do nothing, and is likely to fall into civil war, a movement of the people of Pensacola and St. Augustine may be anticipated, and might be hastened, by which they would assume the government into their own hands and then apply to the United States for protection. Under some such circumstances, whether hastened by any agency on our part or merely waited for, I was convinced we should ultimately be obliged to take possession of Florida, and with it, I thought, the recognition of the republic of Colombia ought to be simultaneous. The President did not appear to think the time was matured for the recognition of any of the South American Governments. He told me he should be at Oakhill, ready at any time, at a day's warning, to come to the city.

26th. I received a letter from the President recommending that a note should be written to the Abbé Correa positively rejecting his proposal for the appointment of Commissioners to concert and adjust with the Portuguese Ministers the complaints of Portuguese subjects against the pirates under Artigan colors fitted out from the United States. I immediately made a draft of a note, and wrote a short letter to the President, enclosing it for his revisal. The Abbé's notes have, I think, given us advantages in this controversy independent of the merits of our cause. The President is more anxious than I should be to make the most of the Abbé's bad management. I do it with reluctance; I think we have something to answer for to Portugal in this case on the score of justice, and that we shall answer for it, soon or late, by our own sufferings.[1] I reluct at the idea of supporting our cause upon the weakness or maladresse of the adversary's counsel.

29th. I received this morning a letter from Mr. Stratford Canning, informing me that he had arrived late last evening in the city, with a credential letter as Envoy Extraordinary and Minister Plenipotentiary from the King of Great Britain, of which, together with the letter of recall of Sir Charles Bagot, he enclosed copies, and requesting me to appoint an hour to receive him; and to take the pleasure of the President when he would give him an audience to deliver the letters; at which time also Mr. Antrobus would take leave. I immediately sent word to Mr. Canning that I would receive him at the office of the Department at three o'clock this day—at which hour he came with Mr. Antrobus. I told him I should immediately transmit his letter and the copies of the two royal letters to the President in Virginia, and on receiving his answer would give notice to Mr. Canning of the time when the President would see him. He said he should be ready to go to the President's in Virginia, or to await his return to this city, as would best suit the President's convenience. I told him the President would very shortly return to the city, and would probably receive him here; that in the mean time, if he had any business to transact, he might consider himself as accredited, and I should be happy to receive and give immediate attention to any communication from him. The conversation then turned upon indifferent topics. The Spartan frigate, in which he came, had touched at the island of Madeira, where they stopped three days. They met there the United States Cyane, Captain Trenchard, which incident gave occasion to some allusion to the slave-trade. He said he hoped to have some conversation with me on that subject. I told him I had been led to expect this, and should be happy to meet, in this respect, the views of his Government.

October 2d. Mr. Canning came by appointment to the office at two o'clock, and I had with him a conversation of more than two hours upon the slave-trade. He renewed and urged the proposal heretofore made by the British Government, that the United States should accede to the principles of treaties made by Great Britain with the Netherlands and Portugal, by which the vessels of either nation are allowed to be searched by the captains of the armed vessels of another, and two mixed Courts of Commissioners are instituted to try all such captures. We have rejected this proposal, on two grounds: one, a want of Constitutional authority to establish such a Court, and the other, as disapproving the principle of allowing the search, in time of peace, of our merchant vessels by the armed cruisers of another nation. The British Government have been endeavoring to obtain from the members of the European alliance their assent to such stipulations, but hitherto without success. France has been the most decisive in her objections. Mr. Canning re-urged the subject with much earnestness, and endeavored to answer objections. He suggested that one of the two reciprocal tribunals might be established within the United States. I stated to him that besides the two broad and decisive reasons which had been alleged, there were others, which it was best in candor to mention. The first was the general extra-European policy of the United States—a policy which they had always pursued as best suited to their own interests and best adapted to harmonize with those of Europe. This policy had also been that of Europe, which had never considered the United States as belonging to her system. The European alliance, consisting of the five principal powers, had, since the overthrow of the French revolutionary domination, regulated the affairs of all Europe without ever calling the United States to their consultations. It was best for both parties that they should continue to do so; for if the United States should become a member of the body they would even now be a power entitled to great influence, and in a very few years must become a first-rate power in the league. They would bring to it some principles not congenial to those of the other members, and those principles would lead to discussions tending to discord rather than to harmony. It would also have a tendency to lead them into commercial combinations with one or another of the great powers parties to the alliance.

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[1] A prophecy fulfilled forty years afterwards.

Another objection was the peculiar character of the principle to which it was desired that we should accede. We had had one war with Great Britain for exercising what she alone claims of all the nations of the earth as a right—search of neutral vessels in time of war to take out men. We had endeavored, both at the negotiation for peace and since, to come to some agreement of principle with Great Britain, but had found it impracticable. It was a point upon which, more than any other, not only the people but the Government of the United States were sensitive, and which would fix us in the determination in no case to yield the right of search in time of peace.

He said there did not appear to be any analogy between the two cases. By the treaties the right of search given was entirely reciprocal. It was limited and restricted in the most cautious and precise manner. Portugal and the Netherlands had assented to it, and he thought the objections which we made might rather have been expected from them than from France, and rather from the Swiss Cantons than from the United States; that nations justly conscious of their power had less reason than others to fear the abuse of any concession.

I told him that all concession of principle tended to encourage encroachment, and if naval officers were once habituated to search the vessels of other nations in time of peace for one thing, they would be still more encouraged to practise it for another thing in time of war; that as to the concessions of Portugal and the Netherlands, they might be supposed to be actuated by a sense of dependence upon or of obligation to Great Britain.

He thought this was rather imaginary than real, and that neither Portugal nor the Netherlands were of a disposition at all accommodating to Great Britain. He said also that the European alliance could hardly be said to have for its object the regulation of European affairs; at least it was only with reference to certain specific objects. He asked if our principle of rejecting the measures as concerted by the European allies was so general as to induce a refusal to co-operate with them in *any* measure.

I said, No; we had formed no such determination. There might be a concert of measures proposed to which our objections would not apply, and that a free and mutual communication of what might be done on either side would contribute much to the attainment of the common object. But I observed that, excepting the communications which we had received from Great Britain, there had been none to us from any member of the European alliance; and, as the objections made principally by France to the British project of reciprocal capture were much the same as those which we had urged against the thing itself, I thought it right to tell him that this coincidence was not the result of any consultation. There had been between the United States and France no communication whatever relating to the slave-trade.

He said that, though gratified to learn that we did not reject all concert of operation, he was apprehensive that the expedient which we did reject was the only one that could prove effectual. For so long as hoisting a flag was sufficient to shelter the slave-trader from search and capture, it was scarcely possible that any vigilance or care should avail. He added that as it was the earnest desire of the British Government to soften the asperities existing in the feeling of the two countries towards each other, and it was convinced that the same disposition existed here, there could be nothing done which would more strongly have that tendency than our accession to these arrangements.

I said that the disposition to conciliate was perfectly reciprocal, and very earnest on our part; that he must take all I had said to him in this conversation as expressing only my private opinions. As soon as the President should return to the city, I should report to him the substance of it, and should receive his instructions what further answer to give. He asked if I was willing that in the mean time he should report to his Government the purport of our conference this day; to which I answered, Certainly.

5th. General Parker called again at the office, to enquire again, for his friend Byers, if a public ship would be sent to protect the sealing speculations at the new discovery south of Cape Horn. I referred him to the Navy Department; at which he seemed a little impatient. He showed me an extract from the London Morning Chronicle of 14th August, republished in our newspapers, mentioning that this was no new discovery, but land first seen in 1599 by Dirk Sherritz, a Dutchman. I had seen this extract before. I examined several collections of maps and charts. The English have no traces of such land, but the French maps have, under the denomination of "Port de Drake." I read the article "Drake" in Dobson's and Reese's Encyclopædias, but found nothing there mentioned of Drake's Port. They both say he passed through the Straits of Magellan and returned by the Cape of Good Hope. I have not books at hand to pursue the enquiry. Mr. Frye called likewise at the office with Governor Clark's pamphlet against Mr. Crawford. It is bitter, and presents Crawford's character in a very odious light. In one respect it has the same fault that it charges upon Crawford. Clark declares his belief that Crawford is confederate with Mitchell in his slave smuggling speculations. This I do not believe, and Clark adduces no evidence to support the charge but Crawford's endeavors to screen Mitchell from punishment. But this I ascribe, as well as the more exceptionable screening of others, to ambition and not avarice. Crawford's intense passion is unbridled ambition, and he has great address in his conduct, though he has exposed to so many the nakedness of his heart that he cannot be called very profound. His ambition has been inflamed by success far beyond either his services or his talents—the former of which are very slight, and the latter much overrated. His principal merit is firmness.

14th. I began this morning the final draft of my report to the Senate upon weights and measures. I also extracted from the statute books of New Jersey containing the Acts passed before and during the American Revolution, their laws relating to the subject. The Governor of New Jersey, in answer to Rush's letter requesting the information required by the resolution of the Senate, wrote him that there was no statute of the State concerning it; but he was mistaken. There are several. I also called on the Attorney-General, Wirt, with papers relating to the case at Savannah. I found him engaged in the papers of the Indian Agent, who, he said, was the most impudent rascal that he had ever had any knowledge of; and if he was not guilty, there was no evidence in human testimony. But Mitchell had, nevertheless, got so complete an ascendency over Mr. Crawford that he believed him entirely innocent, and he had written so here; and he (Crawford) had requested that at all events the decision, whatever it might be, should be made before his return to the city. Crawford's efforts to screen Mitchell from punishment are marked with desperation. It is impossible he should believe him innocent. But at heart he thinks slave smuggling no crime, and supposes his own political fortune depends upon Mitchell being cleared.

Wirt said he was embarrassed how to make up an opinion which would not implicate Crawford for neglect. He (Wirt) had given two years ago an opinion upon the same case, in which he recommended that a prosecution should, by direction of the Treasury Department, be commenced. Instead of which, Crawford wrote directing that the documents should be all submitted to the Court before which it was supposed the prosecution had been commenced. This supposition was directly contrary both to the fact and to the recommendation of the Attorney-General; but the consequence was that Mitchell escaped for the time. Rabun, the late Governor, suppressed the resolutions by which the Legislature of Georgia directed that the General Government should be requested to commence prosecutions, and when Clark, after Rabun's death, did forward them, and the prosecutions were commenced, they were barred by the limitation of two years. The whole transaction is a succession of malpractices to screen Mitchell from punishment.

16th. Manuel Torres, the Chargé d'Affaires from the new republic of Colombia, called this morning at my house, having arrived last evening from Philadelphia. He comes to renew his old propositions for a recognition of the republic of Colombia, and his request for a supply of muskets. He gave me, in his way, a long history of the campaign in Caraccas and New Granada, and requested to have another conversation with me, for which I appointed to-morrow at two o'clock. He told me that the Agents of South America who had been at Gibraltar and organized the revolt of Quiroga were new members of the Cortes in Spain.

At one o'clock I presented Mr. Stratford Canning, as Envoy Extraordinary and Minister Plenipotentiary from Great Britain, to the President, to whom he delivered a credential letter from the King of Great Britain, together with two others; one being the letter announcing the recall of Sir Charles Bagot from the mission to the United States, and the other, the decease of the Duchess of York. Mr. Canning was accompanied by Mr. Antrobus, who took leave as Chargé d'Affaires, and by Mr. Wilmot and Mr. Parish, whom he presented as persons attached to the Legation. He addressed the President in a formal, though short, complimentary speech, which the President answered with simplicity and propriety. Canning's speech was high-charged both with compliments and with professions. These are formalities, of course, of which I have delivered and heard so many that they seem to me flat and unprofitable. Mr. Canning told me he wished to have another conversation with me on the slave-trade propositions. I appointed the day after to-morrow, at two o'clock, to receive him.

Mr. Calhoun was also at the office with a letter from General Flournoy, a Commissioner for negotiating a treaty of cession from the Creek Indians. There are two Commissioners of the United States, and two on the part of the State of Georgia. Flournoy writes that the Georgia Commissioners claim to join in holding the treaty, and desires the Secretary of War to write to him that it can be held only by the Commissioners of the United States. Mr. Calhoun came with direction from the President that I should write to the same effect to Governor Clark.

17th. Mr. Manuel Torres came to the office and entertained me again nearly two hours with his demand for recognition of the republic of Colombia and a supply of muskets. Torres is a European Spaniard, and has all that patelinage that belongs to the Spanish character. He is withal not a little vain, and fancies himself very profound. The substance of his discourse was that the Colombians were before this time, or very shortly would be, in possession of Carthagena and of all Terra Firma;

that Bolivar was with Montilla, and that there was a perfect good understanding between them; that Morillo, the Spanish General, must very shortly be compelled to evacuate the country; but that the European sovereigns were hostile to the cause of the South Americans, and that Bolivar preferred a very intimate connection with the United States. He then went into a long argument to prove that there would be no rivalry of commerce between the United States and the republic of Colombia, the only production of export common to them both being tobacco, and that of Varinas being so different from any of ours that there could be no competition between them; that between the coast of Terra Firma and Mexico, and other parts of South America, there must always be an immense coasting trade, and, as the Colombians themselves were not navigators, having neither shipping nor seamen, the carrying of this trade might be secured by treaty to the people of the United States.

This idea was, however, indistinctly and obscurely presented —apparently as a bait, and with qualifications affording means of withdrawing from it if a disposition should appear on our side to accept it. I listened to him with all the patience and attention that I could command, without entering into discussion upon any of his proposals, but finally requesting him to address them to me in writing, which he promised he would.

18th. I had written and obtained the President's approbation for a letter to Governor Clark, of Georgia, conformably to the directions received from Mr. Calhoun, when this morning I received from Governor Clark a letter showing the whole subject in an entirely new aspect. Flournoy appears to be one of Clark's enemies, and therefore attempted totally to exclude the Commissioners of Georgia appointed by Clark from all participation in the treaty. He misrepresented a demand from the Georgia Commissioners for information into a claim to hold the treaty. There is a contempt of principle in some of these Georgian partisans, against which it is indispensable to be guarded. I immediately took Clark's letter over to the President. Clark appeals to the promise which I had made him with the President's approbation, that there should be a free co-operation of the Commissioners of the United States with those of Georgia. The President desired me to see and consult with the Secretary of War. I called at Calhoun's office. We had some conversation, and then returned to the President's together. Calhoun appeared willing that the Georgia Commissioners should themselves be appointed Commissioners on the part of the United States. This Governor Clark had requested, and I was not aware of any solid reason against it. But the President was averse to it. He thought that as there was an interest of the Union involved, distinct though not variant from that of Georgia, to make Georgians a majority of the Commission would not be right. He thought also there was deference due to Mr. Crawford not to put advantages into the hands of persons opposed to him. The two Commissioners on the part of the United States, first appointed, had declined. Pickens, of South Carolina, last appointed, also declined. Another Commissioner was to be proposed. After discussing various names, the President desired Calhoun to see and propose it to-morrow morning to George Graham. And it was agreed that Calhoun should write to Flournoy that the United States Commissioners must communicate freely with those of Georgia, that I should write to the same effect to Governor Clark, that I should send him a copy of the instructions to Flournoy, and Calhoun should send Flournoy a copy of my letter to Clark. This affair absorbed my official day.

20th. Mr. Canning came, and spent about three hours at the office. We went again over the ground of all his proposals relating to the slave-trade. I explained fully to him the nature of the difficulty arising from the Constitution of the United States to the establishment of any tribunal before whom citizens of the Union should be amenable upon penal statutes, from which tribunal there should be no appeal to the Supreme Court of the United States, and the Judges of which should not be impeachable by our House of Representatives and before our Senate. I also went largely into the objection arising from the analogy between the right of visitation and search proposed to be given by the Convention, and the claim of Great Britain to the right of visitation and search to impress men. The conversation was altogether free and unreserved, the discussion invariably temperate, and, on his part, full of courtesy. He suggested various expedients for obviating the Constitutional difficulty; thought that the American members of the tribunal might be subject to impeachment as officers of the United States; alleged by way of precedent the Commissions to which we had agreed by treaty to submit questions of property and territorial rights, and could not clearly discern the difference between these questions of property and trials for forfeitures. He contested the analogy between the right of search and seizure proposed, and the claim of search for impressment; hinting some regret that we should even harbor the sentiment that there was any analogy between them, or bring that subject into view at all in this case, which I told him I should certainly not have done on its own account, but observed that it was indispensable to unfold with candor and sincerity all our objections to the proposed Convention.

He finally suggested that, if we could not agree to the proposals of Great Britain for co-operation, his Government wished us to offer any proposals on our part tending to the same object; upon which I told him the President would deliberately consider the subject, and if any proposal should occur to him as suitable to be made, I should communicate it to him hereafter.

To vary the conversation, I told him there were other subjects upon which I believed a concert of operations between the United States and Great Britain would be useful to both nations; and mentioned the report upon weights and measures, for which I have calls from both Houses of Congress. I observed that this was a subject upon which the British Government have been almost incessantly engaged more than sixty years without doing anything; that there were now royal Commissioners charged with the duty of reporting a plan for uniformity, who had already reported in part, and were to report further; that they had reported generally against any considerable changes in the existing system, but recommended slight ones, which I hoped would not be adopted. My report would be against any change here unless concerted with the same change in England, so that we might not, by grasping at the shadow of one uniformity, lose the substance of another, which we possess. I entered into some detail upon the principles of my intended report, and told him I should send him a copy of it when printed by order of Congress. He had not seen the report of the British Commissioners, and I promised to send it to him.

22d. Mr. R. Forrest called at my house this evening with a servant of Roth's, the French Chargé d'Affaires. A colored woman, who lives with Roth as his cook, has been taken up on suspicion of receiving stolen money, and committed to prison by Timms, who is doorkeeper to the Senate, and a magistrate and member of the City Council. A shopkeeper by the name of Holmead dropped yesterday from his pocket, in the street, a cheque upon one of the banks for a hundred dollars, and a hundred and fifty dollars in bank-bills. A mulatto boy of fourteen or fifteen years of age found the cheque, and, not knowing how to read, took it to a shop to enquire what it was. He was then called upon for the bank-bills, and, denying that he had found them, was tortured, thumbscrewed, and hung by the neck (so this man says) to extort confession from him. He finally named several persons to whom he said he gave the bills, and among the rest the father of Roth's cook. He denied having received the bills, but his daughter was imprisoned on suspicion of having received them from him.

This is a sample of the treatment of colored people under criminal charges or suspicions here. Roth claims the release of the woman from prison on the ground of his diplomatic privilege, though her name is not on the list of the persons attached to the French Legation furnished, according to the law of Congress, at the Department of State. I desired Forrest to see or write to Timms, informing him that this woman was in the service of a Foreign Legation, and requesting him to discharge her immediately for that reason; and if Timms should refuse, I would apply to-morrow morning to Judge Thruston for a habeas corpus, to obtain her discharge in that manner.

26th. Mr. Canning called, and kept me two hours or more upon the subject of the slave-trade. He brought with him a long written paper, containing what he had understood as the substance of our former conversations, which he said he had informally drawn up, and wished to read to me to ascertain that he had correctly understood the purport of my observations. He read it accordingly. There were several very important variations in the paper from what I had actually said; all of which I successively noticed. The first was an inference of his own, which he had apparently written down as an experiment to see what I should say to it. The remark was almost at the beginning of the paper, and was an avowal of satisfaction that, in reviewing the conversation between us, he had perceived that none of the objections which had been suggested by me to the project of Great Britain applied to the plan itself. I stopped him immediately, and said that was more than I thought could safely be said. I had told him there was one certain Constitutional difficulty which we saw no way of getting over. This of itself was decisive for the present. I had not thought it necessary to mention that there was another, which might prove no less embarrassing.

I then read to him the fifth article of amendment to the Constitution, which amounts to an express prohibition to subjecting any citizen of the United States to trial before such a tribunal as that proposed. I said, further, that the objection to the principle of admitting the right of search by foreign officers in time of peace, for its analogy to search for impressment in time of war, was an objection to the plan itself.

He then commenced a discussion upon this point, and said that I had been so long and so fully conversant with it that he was sure I knew and appreciated the merits of their side of the question. I knew that it was, on the part of Great Britain, a conviction of necessity which compelled her to adhere to what she considered as a right. When she is at war, the temptation and opportunity are so great for a portion of her seamen to come into the merchant service of the United States that, without some control over them, the damage to her was vital; and he went through the usual topics of the British doctrine on this controversy.

I told him that it was not my wish to debate the point. We had more than once exhausted the argument with his Government; we had endeavored to adjust it at Ghent; we had renewed the effort twice since the war, and by various Ministers; we greatly regretted that the differences of opinion and of principle between the parties were so radical that they had found all compromise of it impracticable. But, such having been the issue, we were in no wise disposed to renew the subject at present; we acquiesced in the result so far as to have concluded to say no more about it. The question had no immediate practical interest connected with it, and our hopes were that if Great Britain should again be engaged in a naval war she would of her own accord give such instructions to her naval officers as would prevent the question from arising. We knew it depended entirely upon her, and we were willing to hope her Government would not be disposed to seek a contest with us. But we knew also that it depended upon the temper of her Administration, and that every change of that would endanger our peace. We went over the whole ground of impressment, and, as usual, to no purpose. His paper concluded with the remark, that if our objections to the mode of co-operation proposed by Great Britain were insuperable, she had reason to expect we should bring forward some propositions on our part.

I told him I should submit the whole subject to the consideration of the President, and if anything should occur to him as suitable to be proposed, I should advise him (Canning) of it.

30th. Mr. Canning came, and we had a conversation of two or three hours, which began upon weights and measures and thence digressed to the general state of European politics. I had sent him the first report of the Commissioners of the Prince Regent, dated 24th June, 1819, which he returned yesterday, with a note mentioning that he should this day call to have some conversation with me concerning the subject. He had paid little attention to it, and understood little of it. I told him that as it was of common interest to the British nation and to the people of the United States—as his Government were occupied in the search of uniformity as well as ours, and as my report contained views somewhat different from those of any English writer upon the history of English weights and measures and English laws relating to them, I should send him a copy of it when published, and proposed to send a copy of it to the President of the Royal Society.

He said he found that the general principle of the report of the English Commissioners coincided with mine; that is, they are averse to any material change.

I said I had been happy to find them adopting that general principle, and wished they had carried it through. But they did propose changes, which I hoped would not be sanctioned without further consideration. There were two coincidences in the English system of weights and measures which I deemed of the highest importance. One was that the avoirdupois pound weighed exactly seven thousand grains troy, and the other, that a cubic foot of spring-water weighed one thousand ounces avoirdupois. The uniformity and unity of standard for the whole system hung upon these two coincidences. The Commissioners proposed changes which would destroy them altogether.

Mr. Canning took a minute of these two observations, which he said he would communicate to his Government.

On the present state of European politics our conversation was on my part free, and on his very cautious and reserved. I told him I was much gratified to see that the British Cabinet had disclaimed all intention of interposing by force in the changes which had taken place in Spain, Portugal, and Naples, but that it seemed to me they would find it very difficult to adhere to that system. There were symptoms of a separation between the kingdom of Naples and the island of Sicily. Austria was marching troops defensively to guard her own Italian territories or offensively against Naples. If the plan was only defensive, would it be adequate? If offensive, Austria must conquer Naples, and after conquering must hold it as a conquest. How would this suit the views of Great Britain, of France, of Russia? how would it stand with reference to the newly-settled balance of power? In Portugal there were symptoms which threatened the sovereignty of the House of Braganza. Great Britain was bound by treaty to guarantee the possession of Portugal to them. The sceptres of all the European continental monarchs were turning to ashes in their hands. Their crowns were dropping from their heads; the very instruments of power upon which they were leaning pierced their hands and sides. Government was melting into its original elements. Would it be possible for England to witness this in all its consequences and remain quiescent? And how could she act in cases where the struggle, as it now appears, is for free and liberal institutions against absolute power?

He said that Great Britain had never taken part against liberal institutions, but, on the contrary, had been contending for the liberties of Europe. But it was scarcely possible to foresee what would be the course of the present agitations in Europe; but he hoped they would not disturb the subsisting peace. The establishment of constitutional Governments could not only be unopposed by Great Britain, but would be congenial to the wishes of her statesmen; but whether the proceedings for obtaining these desirable objects would be marked with the principles of good order and of humanity necessary to render them effectual, was naturally a subject of great solicitude.

Before leaving me, Mr. Canning repeated an observation which he had made to me once before—that he should always receive any observations that I may make to him with a just deference to my advance of years—over his. This is one of those equivocal compliments which, according to Sterne, a Frenchman always returns with a bow.

November 1st. There was a meeting of the members of the Administration at the President's, and a discussion of the proposals made by the French Government to Mr. Gallatin concerning the tonnage question, and that upon the eighth article of the Louisiana cession Treaty. The proposals are that as upon a system of reciprocity the carriage of all the commerce between the two countries would be in our ships, because the French shippers cannot stand an equal competition with ours, we should consent to an amount of discriminating duties against us sufficient to restore the balance, and give the French shipping an equal share of the carriage. The opinion was unanimous that we could not accept this proposal.

The case of the pretended port of St. Joseph was considered.

Immediately after the commencement of the new tonnage duty upon French vessels, a ship called the Apollon came and entered the river St. Mary's, keeping on the Spanish side of the water. The captain took his papers to St. Augustine, and there made a formal entry of the ship. The Governor of Florida then, in collusion with this man, and with a person named Clarke, a Spanish Consular Agent at St. Mary's, constituted a pretended port of St. Joseph, immediately opposite to St. Mary's, on the Florida side of the river, at a place where there is no settlement. Clarke was made captain and commander of the port of St. Joseph, and the plan was to furnish a port both for French and British vessels, to come and receive their cargoes from St. Mary's, in evasion and defiance of our laws. Clarke wrote Colonel James Forbes two letters disclosing the whole plan, and inviting him to take a share in it. Forbes enclosed the letters confidentially to me. The purpose of defeating altogether the operation of our navigation and French tonnage laws, and the hope of keeping open the tariff quarrel with France by it, are distinctly avowed in Clarke's letters. More than two years since, when the Navigation Act partially interdicting the trade with the British West India Islands in British vessels was made, there had been an attempt by a British vessel to enter the river St. Mary's, and, remaining on the Spanish side, to trade with our port in that way. The Collector was then instructed by the Secretary of the Treasury to permit no such vessel to go there, and in cases where the intention to evade or defeat the law was manifest, to warn them off, and, if they disregarded the warning, to seize the vessel. At that time the purpose was given up. When the Apollon came last summer, the Collector of St. Mary's wrote to the Secretary of the Treasury, requesting new instructions, and enquiring whether those given two years before were to be considered as applying to this case. When the Collector's letter was received here at the Treasury, Mr. Crawford was absent in Georgia. The President was in Virginia. The Comptroller, Anderson, asked my opinion, and I gave it, that the instructions on the former occasion were applicable to this case. The Apollon was accordingly seized, after being allowed an opportunity to go away; but her captain chose to protest and give up his vessel. Mr. Roth, the French Chargé d'Affaires, took up the affair very seriously, and wrote me a high-toned note on the subject.

At the meeting this day it was determined that the District Attorney of the United States in Georgia should be directed by the Secretary of the Treasury to libel the Apollon for a violation of the revenue laws of the United States, and in case the decision of the cause should be against the Government, which was thought probable, he was to bring it by appeal to the Supreme Court, to be decided there. My opinion was that, as a case of flagrant conspiracy against the law of the United States, the Court would probably sustain the seizure, and decide in favor of the Government; but, even if the decision should be adverse, it cannot take place within fourteen months from this time, and in the interval the fraudulent and spurious port of St. Joseph will not be accessible to a multitude of vessels for a resort to defeat both our French tonnage laws and our Navigation Acts. I was directed to send copies of Clarke the Spanish Agent's letters to Forbes to the District Attorney, with directions to him to produce them at the proper time on the trial, and in the mean time to keep them secret. After I returned from the President's, I received dispatches from A. Gallatin, from which it appears that he has come to a stand in negotiating with the French Government, and that they have determined to send Mr. Hyde de Neuville back here, and to transfer the negotiation to this place.

3d. I was at the President's, and referred to him the proposals of Mr. Lynch, of New York. Lynch is partner of a commercial house, owners of a steamship called the Robert Fulton, which they built at a very heavy expense, and which is now employed as a packet between New York, Charleston, South Carolina, the Havanna, and New Orleans. She has performed these passages once or twice, but they find the speculation unprofitable. They wish, therefore, to be disburdened of their ship, and have bethought themselves of applying to the Government to take it off their hands. They had been informed that Commodore Bainbridge, who went out last spring to the Mediterranean with the Columbus line-of-battle ship, had been informally charged with instructions to endeavor to ascertain whether a commercial treaty could be negotiated with the Porte. Mr. Luther Bradish had also some authority of the same kind, and went out with Bainbridge. Lynch's project is, that this Government should buy the steamship and make a present of it to the Grand Seignor, for an advantageous treaty of commerce. He thinks the Turks would be so enraptured with the novelty and ingenuity of the invention that it would bring us a treaty upon our own terms. And, as we are not quite so sanguine, Lynch says if the Government will not buy their ship they propose to send her to Constantinople on their own account, and sell her for as many licenses for commercial vessels to pass the Dardanelles and trade in the Black Sea as they can obtain. But, as this might interfere with the views of the Government negotiation, they make the first offer to the Government itself.

The President directed a meeting of the members of the Administration, to consider the subject, to-morrow. I wrote a dispatch to R. Rush.

4th. The meeting of the members of the Administration was held at the President's. Mr. Lynch's proposals were considered, and it was determined, unanimously, not to accept them. It is believed that an opening to the trade of the Black Sea, and a commercial treaty with Turkey, would be of great public benefit; but that the time for undertaking to accomplish it is not yet mature. The commercial interest in the community desire it, but there are prejudices against it in other quarters, and great opposition to any movement of the Government to effect it must be expected. Lynch offered to send the ship ostensibly on the account of the house, so that the Government should not appear in the transaction at all, and said they would not ask payment for the ship now, or until the whole business should be completed; but it was thought most proper that the Government should have no concern in the transaction at all, and I was directed to inform Mr. Lynch that the house might make its arrangements for the disposal of the ship according to its view of its own interests; the Government deeming it not expedient to interpose at all in the case.

8th. General Vivés, the Spanish Minister, came, upon his return to the city for the winter. He has been passing the summer at Camden, in New Jersey, opposite to Philadelphia. He spoke to me of a note which he addressed to me the 23d of last month, concerning the case of the French ship Apollon, seized in the Florida waters, opposite to St. Mary's, in Georgia. I have never received this note, of which Vivés told me he would therefore send me a duplicate. He also requested answers to two or three other notes, which he has written to me on other subjects. I called at the President's, where I met Mr. Calhoun. The President is engaged in preparing his message for the opening of the session of Congress, and read to us what he had written.

12th. I called upon Mr. Calhoun, the Secretary of War, and rode with him to the President's. As we were riding, Calhoun spoke to me with great concern at the reappearance of the question upon the admission of Missouri as a State into the Union. After all the difficulty with which it was compromised at the last session of Congress, the Convention which made their Constitution has raised a new obstacle by an article declaring it to be the duty of the Legislature to pass laws prohibiting negroes and persons of color from coming into the State; which is directly repugnant to the article in the Constitution of the United States which provides that the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States. Calhoun said that he did not know how this difficulty could be surmounted, unless by considering the article in the Missouri Constitution as null and void upon the very principle of its repugnancy. And he did not know whether even that could be sufficient.

The meeting at the President's was for the final reading of the draft of his message to Congress. The composition of these messages is upon a uniform plan. They begin with general remarks upon the condition of the country, noticing recent occurrences of material importance, passing encomiums upon our form of government, paying due homage to the sovereign power of the people, and turning to account every topic which can afford a paragraph of public gratulation; then pass in review the foreign affairs; the circumstances of our relations with the principal powers of Europe; then, looking inwards, adverting to the state of the finances, the revenues, public expenditures, debts, and land sales, the progress of fortifications and naval armaments, with a few words about the Indians, and a few about the slave-trade.

This is the analysis of a session-opening message. Mr. Monroe's messages have always had a long paragraph upon the civil war between Spain and her Colonies, and there is one in the present message. There was some discussion about it. I have always thought these paragraphs exotics to the proper region of the message; which might just as well descant upon the wars of the English in India, or more suitably upon the treaties and Congresses of the European allies. The only difference is, that Mr. Clay having attempted to raise an opposition party upon a sympathetic feeling in the people of this country favorable to the South Americans, and having insinuated that Mr. Monroe's Administration was partial against the South Americans, the President has thought it necessary to counteract this party manœuvring by professions of favor to them, repeated at every session of Congress. This course of policy has perhaps been necessary; it has been hitherto successful. There were some passages in the draft this day much more favorable to the colonists than the facts would warrant. Objections were made to them by Mr. Calhoun, and the President altered several of them. I raised none of these objections, repeating what I had said at the drafting of a former message, that whatever the President would strike out or soften upon that subject would be so much of improvement to the message. My objection to it is, that, our system being professedly neutrality, any avowal of partiality for the South Americans was inconsistent with it, and liable to raise doubts of our sincerity. I believe that these paragraphs of the message have been the principal real cause of the delay of Spain to ratify the Florida Treaty.

The paragraph respecting the finances for this message has been of some delicacy. A loan of three millions of dollars, authorized at the last session of Congress, has not been sufficient to cover the deficiency of revenue in the year. The depression of the agricultural, manufacturing, and commercial interests would scarcely admit of the proposal of new taxes, if there were not other reasons to prevent it. Mr. Crawford has motives of his own for steering clear of any proposal for taxation, and his resource is more borrowing. The paragraph in the message concerning the finances was drawn by him. It presents only the fair side of the subject, dwelling entirely upon what has been done since the peace, and referring for the present state of the Treasury to the annual report of the Secretary.

The paragraphs respecting foreign affairs, though first in order in the exposition of the message, have been delayed in the expectation of intelligence from Europe. For this part of the message the President usually refers to me. The subjects to be noticed were—the state of our intercourse with the British West Indies; that of the commercial negotiation with France; the slave question referred to the Emperor of Russia; and the present aspects of the Florida Treaty in Spain. All these affairs, excepting the first, are " in transitu." I have from time to time suggested what I thought should be said of them, and drew up the passages respecting the relations with France and with Russia, which the President adopted with some alterations.

The view of affairs depending on the War and Navy Departments consisted of the statements of progress made in erecting fortifications and in building a navy. The last sentence mentioned the capture of several vessels concerned in the slave-trade. The President said he had been thinking of adding another sentence, of a general nature, by way of conclusion, which I told him I wished he would, being quite unwilling to see him close with " disgraceful traffic." These were the last words of the message.

He laughed heartily at the remark.

13th. The second session of the Sixteenth Congress commenced this day. A quorum of both Houses was formed. John Gaillard took the chair of the Senate as President pro tempore, the Vice-President being absent. The House of Representatives was called to order by their Clerk, and a letter from Henry Clay was read resigning his office as Speaker. A contest immediately ensued for the choice of his successor. Seven ballots were taken, without effecting a choice. The principal candidates were John W. Taylor, of New York, and William Lowndes, of South Carolina. The Missouri question was the principal test of the votes. Taylor seconded the first motion which brought up this controversy, and at the last session of Congress was the leading champion of the restriction party. Lowndes is the ablest and most popular man on the other side. But on the free side there were some votes for John Sergeant, of Pennsylvania, and on the slave side, General S. Smith, of Maryland, had conceived a passion to be Speaker, and had personal friends and Maryland members enough adhering to him to defeat the election of Lowndes. After the seventh ineffectual ballot the House adjourned.

14th. The House of Representatives this day balloted twelve times, and then adjourned again, without accomplishing the choice of a Speaker. The leading candidates at the close were still Taylor and Lowndes; but in the course of the balloting S. Smith and Sergeant were run up to leading votes. The objection to Sergeant is that he belongs to the federal party. That to Smith is that he is ruined in fortune and reputation, owing a disgraceful debt of more than a million and a half to the Bank of the United States, which will never be paid, and having no better excuse for it than that it was made, he knows not how, by his partner, Buchanan; notwithstanding all which, the people of Baltimore continue to choose this man their representative, and he commands votes enough to defeat the election as Speaker of Lowndes, a man of irreproachable character, amiable disposition, and popular manners.

15th. The House of Representatives this day, at the third ballot, being the twenty-second from the meeting of the House, made choice of John W. Taylor, of New York, as Speaker. There were one hundred and forty-eight members present, consequently seventy-five votes necessary for a choice. Taylor had seventy-six. The two Houses immediately gave notice by a joint committee to the President that they were organized and ready to receive any communication from him. The message was sent by the President's nephew, James Monroe, Junior, about three o'clock.

18th. Members of Congress, visitors at the office, occupied again all the hours of business. This rapid and continual change of persons and of subjects calling for attention has such an effect upon the memory that the proverbial defect of that quality may be accounted for without supposing it intentional or pretended. Every man comes with a story, demand, or solicitation of his own; almost every one comes to ask favors. No sooner has one left the office than another enters. I have often attempted to keep a minute of the names of the persons who come from day to day, but without success. I have not time to write the name of one who retires before another comes in. Eight or ten thus succeed one another without leaving a moment's interval. When they are gone, often while some of them are here, comes in a mail of letters, dispatches, and newspapers. Pressing business of the office, suspended while the visitors are with me, admits of no further delay. The sun goes down upon business uncompleted. The hour of necessary retirement comes; and if I attempt the next morning to minute the names of visitors of the preceding day, the chance is that half of them escape recollection.

20th. The Speaker, John W. Taylor, was in his chamber, and I had half an hour's conversation with him. He took some pains to convince me that he was not a partisan of De Witt Clinton's. He has been so considered, and that was the cause of the great difficulty with which a majority was at last obtained for him as Speaker. The Anti-Clintonians or Tompkinsian New York members held back, and would not vote for him until he had explicitly declared to one of them that he was not a Clintonian. He spoke to me this evening of Clinton very lightly, and said that the Southern people had ascribed to Clinton the origin of the Missouri question without a shadow of foundation; that, so far from it, Clinton had in the first instance entirely discouraged, and never gave any countenance to it until he discovered its great popularity in the State. Taylor also told me that he was friendly to the Administration, but intimated that the President had once promised to appoint him District Judge of the Western District of New York, and afterwards appointed another person. Taylor also told me that on the Missouri Constitution he had appointed a committee who would report in favor of the admission of the State. This was according to the usual principle, that committees should be selected favorable to the object of their appointment—because their report then brings the subject in the fairest way before the House for consideration. The committee are Lowndes, of South Carolina, Sergeant, of Pennsylvania, and Smith, of Maryland.

21st. I dined at the President's with a company of about thirty-five persons, members of Congress principally—all men; the state of Mrs. Monroe's health not admitting of her attendance at numerous dinner-parties. There was a reappearance of the jealousies about precedence at this dinner. The President of the Senate and the Speaker of the House of Representatives sat on the two sides of the President, and Mr. Macon, a Senator from North Carolina, opposite to him, the President sitting at the centre of the table. The President told me he had asked Mr. Macon to take that seat. Macon is a stern Republican, who has been about twenty-five years without interruption in Congress—a man of small parts and mean education, but of rigid integrity, and a blunt, though not offensive, deportment. He was several years Speaker of the House of Representatives, and is now one of the most influential members of the Senate. His integrity, his indefatigable attention to business, and his long experience give him a weight of character and consideration which few men of far superior minds ever acquire. One of the great foundations of his popularity is his parsimony. He votes against all claims and all new appropriations. Nothing takes with the people like this stubborn opposition to expense.

22d. Colonel Thomas Forrest, a member of the House of Representatives from Pennsylvania, was here this morning; he retains by courtesy his title of colonel, which he held during our Revolutionary War, though he is now a Quaker in full communion, wearing the drab-colored suit of broadcloth raiment and the broad-brimmed hat, never taken off for salutation or civility, and thou and theeing all with whom he converses, The humorous contrast in his character is the luxuriant delight with which he glories in his military services, and the indications constantly oozing out from his discourse that he considers personal courage the first of human virtues, united with all the ostensible formalities of Quakerism. He entertained me this day with a long account of the share he had in the passage of the Delaware and capture of the Hessians at Trenton, 25th–26th December, 1776—Sully's picture of which, he says, is good for nothing. The incidents of those two days have been so riveted in his memory by its continual recurrence to them through a period of forty-four years, that they are fresh in his mind as if they had happened yesterday. He remembers every person who was there; every word that was said; every look that was cast by General Washington; and every recollection comes with a perfume of fragrance to his soul. This is the most exquisite of human enjoyments—the memory by which one's own conduct is linked with scenes of deep danger and distress issuing in resplendent glory. The colonel is seventy years of age or more, but has yet much activity and apparent vigor of constitution.

24th. Numerous visitors at the office—Dr. Eustis, Mr. Kinsley, of Maine, and Mr. Plumer, of New Hampshire, members of the House of Representatives, and Mr. James Monroe, Jr., the President's nephew, who came concerning some papers to be sent to Congress. Eustis apologized for not having dined with us yesterday, saying that from the state of his health he had made it a rule not to expose himself abroad in the evening. But he came to consult me upon the Missouri question. The clause in their Constitution was directly repugnant to the article in the Constitution of the United States. He had no doubt of that, nor had I; but what was to be done? I said the course appeared to me very obvious. Pass a resolution declaring the State to be admitted from and after the time when they shall have expunged from their Constitution the article repugnant to the Constitution of the United States. He said that was precisely what he intended to propose; but he intimated a distrust of many of those who are on the free side of the question.

Plumer spoke to me on two subjects. One, the appointment of a District Attorney in New Hampshire, upon which he expressed a wish for the reappointment of Mr. Humphreys. The other related to the approaching election of President and Vice-President of the United States. His father is chosen one of the electors for the State of New Hampshire, and has intimated to him that there and in Massachusetts there are persons unwilling to vote for the re-election of D. D. Tompkins as Vice-President, and disposed to vote for me; not with an expectation or intention of success, but with a prospective view of holding up my name to view at a future period; and has enquired whether it was with my approbation. I answered, Certainly not; that my wish was that both Mr. Monroe as President and Mr. Tompkins as Vice-President should be re-elected unanimously; but, however that might be, that there should not be a single vote given for me, and I requested him to write so immediately. As to Massachusetts, I told him it would be peculiarly disagreeable to me that any such votes should be given, because my own father had been chosen one of the electors.

25th. At the office there were Mr. Rufus King, Senator from New York, Mr. Lowndes, of South Carolina, and Mr. Fuller, of Massachusetts. The object of Mr. King's visit was to make general enquiries concerning the state of our foreign relations with England, France, and Spain, of which I gave him all the current information. Upon the Missouri question he has much cooled down since last winter. The question is now not the same as it was then, and is much more clear against Missouri. But he has discovered that the people of the North, like many of their Representatives in Congress, flinch from the consequences of this question, and will not bear their leaders out. Personal and ambitious motives have also been imputed to Mr. King for the part he has taken in this affair. The old party feelings have been revived against him, and his conduct in the old controversy about the navigation of the Mississippi with Spain, in the Congress of the Confederation, is remembered. He says that, as a statesman of the Union, he has lost rather than gained ground by his ardent pursuit of this slavery question, and seems now disposed to say little more about it. Mr. Lowndes, as Chairman of the Committee on the Missouri Constitution, made, the day before yesterday, a report to the House, concluding with a resolution for the admission of the State. He came now to examine the laws of the States respecting negroes and people of color, to prepare for the expected debate upon the resolution of the committee.

27th. One of the obligations to which I must submit, and which, during the early part of every session of Congress, absorbs more time than I am willing to bestow upon it, is that of returning the visits of all the members of both Houses who choose to call upon me. A pretension was raised by some of the members of the Senate that the heads of Departments should, at every session, pay a first visit to every Senator. With this I did not comply; whence it has happened that eight or ten Senators have declined accepting any invitation to my house. At the two last sessions it was made a subject of caballing and intrigue against me, until, in self-defence, I was obliged to write a letter to the President, and another to the Vice-President, stating my principles and my reasons for them. Since then the clamor has in some degree subsided. It is known and understood that I pay no first visit of form to any member of either House of Congress, and that I expect none from them. Most of the Senators have accommodated themselves to this arrangement. A few of them call at my house, or at the office, soon after their arrival. Others, without visiting, accept invitations to my house. Many members of the House of Representatives visit me, and all such visits must be returned. I visited this morning Mr. Fuller, who introduced me to Dr. William Darlington, Robert Clark, Jacob Hibshman, Jacob Hostetter, and perhaps two or three others, members from Pennsylvania, with whom he lodges. I called also at Brown's Hotel, and left cards for several members who lodge there, and at Mrs. Peyton's, where I found Mr. Edwards, the Senator from Illinois, confined to his chamber with the influenza.

While I was with him, Mr. Van Swearingen, a kinsman of his, member of the House of Representatives from Virginia, came in. Edwards had begun to talk upon the subject which he has most at heart, when we were interrupted. His colleague in the Senate, Jesse B. Thomas, and he are rivals in the State of Illinois; each of them has partisans to provide for, and each of them urges with great earnestness his particular friends for the appointments of the General Government in the State. Edwards says that his friends are the friends of Mr. Monroe and his Administration, and are also men of character and reputation; that the persons recommended by Thomas are bitter enemies of the Administration, men of tarnished fame, partisans of Thomas and of Mr. Crawford, and supported by Thomas for no other quality than their aptitude for electioneering in the bar-rooms of taverns; yet of such persons the President has nominated to the Senate five out of six appointments to be made in the State. Edwards said that, however reluctant he was formally to oppose the confirmation of a nomination made by the President in the Senate, he should yet be compelled to do it, and had explicitly told his colleague that he should. But he thought the President did not sufficiently consider the effect of his own course in the State. It might be magnanimous to distribute the offices of Government in equal proportions among his enemies and his friends, but to give five-sixths of them to his enemies was to advertise a premium for opposition and to denounce a penalty for friendship. Edwards intimated also that he thought I was not sufficiently earnest in pressing these things upon the consideration of the President. I had not the opportunity of explaining to him the principles of my own reserve in my intercourse with the President respecting appointments.

29th. I returned Mr. Baldwin's visit, and had a long conversation with him on the subject of the Missouri question of the present session, which he agreed was a totally different question from that of the last. He said, however, that those who now objected to the admission of Missouri, on the ground of the exceptionable article in her Constitution, connected the restriction question of the last session with it, and wished to reopen the whole controversy.

I told him I believed there would be a very small portion of the House for that, and I thought it would be quite unjustifiable; but the article in the Missouri Constitution was directly repugnant to the rights reserved to every citizen of the Union in the Constitution of the United States. Its purport went to disfranchise all the people of color who were citizens of the free States. The Legislatures of those States were bound in duty to protect the rights of their own citizens; and if Congress, by the admission of Missouri with that clause in her Constitution, should sanction this outrage upon those rights, the States, a portion of whose citizens should be thus cast out from the pale of the Union, would be bound to vindicate them by retaliation. And if I were a member of the Legislature of one of those States, I would move for a declaratory act, that so long as the article in the Constitution of Missouri depriving the colored citizens of the State, say of Massachusetts, of their rights as citizens of the United States within the State of Missouri, should subsist, so long the white citizens of the State of Missouri should be held as aliens within the Commonwealth of Massachusetts, not entitled to claim or enjoy within the same any right or privilege of a citizen of the United States. And I would go further, and declare that Congress having, by their sanction of the Missouri Constitution, by admitting that State into the Union without excepting against that article which disfranchised a portion of the citizens of Massachusetts, had violated the Constitution of the United States; wherefore, until that portion of the citizens of Massachusetts whose rights are violated by the article in the Missouri Constitution should be redintegrated in the full enjoyment and possession of those rights, no clause or article of the Constitution of the United States should, within the Commonwealth of Massachusetts, be so construed as to authorize any person whomsoever to claim the property or possession of a human being as a slave. And I would prohibit by law the delivery of any fugitive slave upon the claim of his master. All which I would do, not to violate, but to redeem from violation, the Constitution of the United States. It was indeed to be expected that such laws would again be met by retaliatory laws of Missouri and the other slave-holding States, and the consequence would be the dissolution "de facto" of the Union, but that dissolution would have commenced by the article in the Missouri Constitution. That article was in itself a dissolution of the Union. If acquiesced in, it would change the terms of the federal compact—change its terms by robbing thousands of citizens of their rights. And what citizens? The poor, the unfortunate, the helpless. Already cursed by the mere color of their skin, already doomed by their complexion to drudge in the lowest offices of society, excluded by their color from all the refined enjoyments of life accessible to others, excluded from the benefits of a liberal education, from the bed, from the table, and from all the social comforts of domestic life, this barbarous article deprives them of the little remnant of right yet left them—their rights as citizens and as men. Weak and defenceless as they are, so much the more sacred is the obligation of the Legislature of the States to which they belong to defend their lawful rights; and I would defend them should the dissolution of the Union be the consequence. For it would not be the defence, it would be the violation of their rights, to which all the consequences would be imputable; and if the dissolution of the Union must come, let it come from no other cause but this. If slavery be the destined sword in the hand of the destroying angel which is to sever the ties of this Union, the same sword will cut in sunder the bonds of slavery itself. A dissolution of the Union for the cause of slavery would be followed by a servile war in the slave-holding States, combined with a war between the two severed portions of the Union. It seems to me that its result must be the extirpation of slavery from this whole continent; and, calamitous and desolating as this course of events in its progress must be, so glorious would be its final issue, that, as God shall judge me, I dare not say that it is not to be desired.

Baldwin said that he entertained different opinions from mine of this class of our population; that he thought them far more mischievous than useful; that of all the petty crimes committed in the part of the country where he resided, nine-tenths were by free people of color; that he believed it to be the same throughout the country, though there might be an exception in the Eastern States; that all the States made laws for the exclusion of paupers and vagabonds, and persons whose residence within the State would become a nuisance; but that, for his part, he was willing to admit Missouri in any form in which it had been proposed, with the condition or without it.

I asked him how he expected to succeed this session with his tariff. He said he hoped better than the last; in which I think he will be disappointed.

December 3d. Paid visits to N. Edwards and Freeman Walker, Senators from Illinois and Georgia, lodging at Mrs. Peyton's. Edwards is still afflicted with the influenza, which continues to prevail almost universally. I have it yet myself slightly, with the ordinary symptoms only of a cold, but with the peculiarity that it seems to be intermitting, occasionally disappearing for three or four days, and then returning. Walker is a young man, and enjoys a high reputation for abilities and integrity. He has also a handsome person and pleasing deportment. Edwards says that in the party controversies of Georgia, which are exceedingly violent, Walker is neutral. The heads of the two parties are Mr. Crawford, the Secretary of the Treasury, and John Clark, Governor of Georgia. Clark and Crawford have fought one duel, in which Crawford was wounded in the left hand. About two months since, Clark published a pamphlet containing a history of the feud between him and Crawford, which is of nearly twenty years' standing. The narrative exhibits Crawford in the most odious light, as sacrificing every principle to his ambition, and states a series of facts, supported by documents, so very disadvantageous to Crawford's character that it seemed to require an answer. None, however, has yet appeared. Clark complains that at the duel Crawford, countenanced by his second, refused to take another shot, merely because his left hand was disabled; and that he afterwards declined fighting him on a second challenge. As Crawford had already killed one man in a duel, these refusals to fight are more to his credit than his disadvantage. But the whole tissue of his conduct towards Clark, as stated in the pamphlet, has been altogether unjustifiable. He proves beyond reasonable doubt that the attack upon General Jackson, and through him upon me, in the affair of the Seminole War, was commenced, organized, and instigated by Crawford. But he more than insinuates that Crawford was concerned with the Indian

Agent Mitchell in smuggling African slaves into Georgia from Amelia Island. This I totally disbelieve. The pamphlet has produced an effect unfavorable to Crawford's reputation as a man, and the present state of the Treasury does him no credit as a financier. His friends, however, are numerous, persevering, and well trained to political intrigue.

11th. Mr. Bates, the delegate from the Arkansas Territory, was at the office. Two or three judges for that Territory have been appointed upon allegations that they were going to settle there, and urgent solicitations from their friends. They have accepted the appointments, and received the salaries to the last hour that they could, and never went to the Territory, or never held a Court there. One of them even wrote to me last spring requesting me to consider him as resigning his commission after the 4th of July, that he might be able to receive until then the salary of the office without performing any of its duties. The last appointment was of a Mr. Thompson, of Ohio, who for six months has neither accepted nor declined. The President is embarrassed whether to nominate him to the Senate—his commission having issued during the recess of the Senate—or to pass him over and nominate another. The Territory has by this scandalous management been nearly two years without any organized judiciary, of which their Legislature have complained by a memorial to the Congress. Bates now recommends a resident of the Territory; but Colonel R. M. Johnson wishes the appointment of a brother of his own.

18th. Mr. Baring, a son of Alexander Baring, of London, brought me a letter of introduction from his father. He arrived a few days since from England, at New York. Young Labouchere, his cousin, who was here last winter, is now with him. These young men, when I was last in England, were boys. Baring was at school at Geneva.

Mr. Sanderson came to the office. He has undertaken the publication of a biography of the Signers of the Declaration of Independence, and has repeatedly applied to me to furnish him a life of my father. He came now to bring the first volume, which contains a preliminary discourse, and the life of John Hancock. I made a number of enquiries of Mr. Sanderson to ascertain the principles upon which this work will be conducted, and how far the proper sources of information have been explored. I asked him whether the lives were to be panegyrics or historical biographies. The applications have been to the families of each individual, who will furnish what materials they please, and whose contributions to the biographies will be tainted at least with all the partialities of friendship. I asked him if the dissensions and antagonisms of all these patriots among themselves—their mutual oppositions and animosities, their errors and their vices—were to be included in the narratives of their lives. He was not very well prepared to answer these questions. He did not exactly know how the work would be conducted. I asked him who was to furnish the life of Samuel Chase. He believed that was not settled. At this I expressed some surprise, and enquired whether the publishers of the work were aware how conspicuous that name ought to be in the catalogue of the signers of the Declaration. He said that application had been made to his family for access to his papers, but he had no papers that could be applied with any use to this purpose. I told him I considered Mr. Chase as one of the men whose life, conduct, and opinions had been of the most extensive influence upon the Constitution of this country. He not only signed the Declaration of Independence, but was an active and distinguished member of the Congress during the early and most critical period of the Revolution. He was a man of ardent passions, of strong mind, of domineering temper. His life was consequently turbulent and boisterous. He had for some years almost uncontrolled dominion over the politics of the State of Maryland; at other times unpopular in the extreme, and was more than once impeached. Appointed by President Washington one of the Judges of the Supreme Court of the United States, he had continued in that office upwards of twenty years, until his death. He was the only Judge of that Court who had ever been impeached. His impeachment had settled some principles and some practice of our Constitutional law. But he himself, as a judge, had settled others of the highest importance—one of them, in my opinion, of very pernicious importance. He decided, as I think, directly in the face of an amendatory article of the Constitution of the United States (the seventh), that this Union in its federative capacity has no common law—a decision which has crippled the powers not only of the judiciary, but of all the Departments of the National Government. The reasons upon which he rested that decision are not sound, but, as they flattered the popular prejudices, it has remained unreversed to this day. Mr. Chase's life is among those which, if historically written, will be of the highest interest and may give occasion to the freest and most useful discussion. Sanderson said the intention was to write the lives freely, but not controversially. He was, however, convinced of the importance of the views I had taken of the life of Mr. Chase.

Mr. Canning came, and occupied the remaining office-hours till six. His principal object was to have further conversation upon the subject of the slave-trade. On the 4th of this month a resolution passed the House of Representatives, on the motion of C. F. Mercer, calling upon the President for copies of the correspondence with any of the foreign maritime powers relating to the slave-trade. Mr. Canning now reminded me that in some of our former conversations I had told him that after the meeting of Congress, when there would be opportunities for consulting the opinions of members, the President would again take into consideration the proposals of the British Government and determine upon some proposal to be offered in its stead, if he should finally consider it as inadmissible.

I told him that there was no change in the President's opinions concerning the British proposals, but if he would write me a note referring to them they would be deliberately considered, and a written answer given, after which both papers would be communicated, with the answer, to the call from the House of Representatives.

Our conversation also diverged upon the trial of the Queen, and the part which Mr. George Canning has taken in that affair, which I thought very creditable to him; and also to the aspect of political affairs in Europe arising from the recent revolutions in Spain, Naples, and Portugal. Upon all this Mr. Canning was cautious to avoid expressing any opinion of his own, but he told me that his cousin, upon differing with his colleagues in relation to the prosecution of the Queen, had tendered his resignation to the King, who had declined accepting it.

19th. I called upon Mr. Calhoun, the Secretary of War, and requested him to have a copy taken of the map lent me by Mr. Torres; which he promised. Mr. Torres himself called at the office and left a long note with seven enclosed documents relating to the proposals lately made by the Spanish General Morillo to the Colombian Government and Generals. Torres complains of it as insidious on the part of the Spanish Government, because the same proposals were made at the same time to the Congress, and to several commanding Generals at a great distance from one another, with the intention of producing dissension between them; but on the 2d of November last the Government at Angostura issued a new declaration confirming that of independence of 1811, and Mr. Torres, by order of his Government, informs me that they have determined to carry on the war without intermission. Torres told me that he had letters from some American members of the Cortes at Madrid dated the first days of October, and informing him that the Florida Treaty would be ratified.

20th. Mr. Canning sent me a note upon the slave-trade, in consequence of the conversation relating to that subject between us the day before yesterday. I took it to the President, who determined to have a Cabinet consultation concerning it.

22d. I had a visit from a Mr. Shaw; and from young Bourne, the son of the late Sylvanus Bourne, so long Consul at Amsterdam. He says his brother is with General Devereux, fighting for the independence of the South Americans of the republic of Colombia. This is better than hereditary dependence upon the public for bread. I accompanied Mr. Roth, the Chargé d'Affaires of France, to a private audience of the President, at which he delivered a letter from the King of France announcing the birth of a son to the Duchess de Berri, to whom he had given the title of Duke of Bordeaux. This is the long-expected and important child who, in the silly creed of the Bourbonites, is to preserve the crown of France in the line of that exemplary personage, Louis the Fifteenth. This child is to be the infrangible curb to the revolutionary licentiousness of the age, and to secure possession by right divine to the throne of the Lilies for a succession of generations. How many of these children of hope and joy and promise have I seen turn in the lapse of years to children of misery, desolation, and despair! The Duke of Bordeaux is a rattle for the great children of the Bourbon race, but it would require more than powers of prophecy to foretell that he will ever be King of France.[1]

23d. At one o'clock a meeting of the members of the Administration at the President's, to consider the proposals in the note of the 20th respecting the slave-trade, received from Mr. Canning. The British proposals are that the several powers which have enacted laws for the abolition of the slave-trade should agree that the ships of war which each of them may station upon the African coast to intercept vessels carrying on the trade under its own flag should have the right to search vessels sailing under other flags; and if, upon such search, slaves should be found on board the vessel, to seize her and carry her into some port or place in Africa, to be tried by a mixed Court of two Judges, one belonging to each of the two nations, and two Arbitrators, one of which also from each of the two nations, to be called in upon any difference of opinion between the Judges.

The British Government have by treaties obtained the consent of Portugal, Spain, and the Netherlands to this system, and they are using every exertion with unwearied importunity to obtain the assent to it of all the great European powers and of the United States. They pressed it at the Congress of Aix-la-Chapelle upon France, Russia, Austria, and Prussia, neither of whom, however, agreed to it. The refusal of France was explicit and very decisive—supported by spirited and cogent reasoning. The present British Ministers, who care little about it themselves, are pressed by the party of the saints in Parliament, and therefore, wherever they meet resistance to their proposal, urge it with the more apparent earnestness. It has been repeatedly rejected by the Government of the United

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[1] This is the claimant now known under the title of the Count de Chambord.

States. It was now considered again. The opinion was unanimous that we could consent to no such tribunal for the trial of citizens of the United States; that it would be repugnant to the article in the Constitution concerning the organization of the judicial power; that there is no authority given by the Constitution to establish such Courts, and that the mode of trial, without grand or petit juries, would be alike repugnant to the fifth and sixth articles amendatory to the Constitution —all which I have repeatedly alleged to Mr. Canning.

On the question relative to the other point, granting the mutual right of search, Mr. Thompson, the Secretary of the Navy, had some doubts. He was not so clear in the principle of persisting to refuse it. He did not think it would give any countenance to the British practice of impressing men from our merchant vessels in time of war. He thought there was very little analogy between the two cases; that this mutual right of search for the particular purpose of suppressing this trade would undoubtedly be an expedient highly efficacious to the attainment of the end; that by declining it we shall expose ourselves to the imputation of insincerity as to our purpose of suppressing the trade, and that the British Government would avail itself of it to discredit us with the rest of Europe; that there was a strong feeling and anxious desire among the people of this country for the suppression of the trade, and some discontent at the notorious fact that all the measures hitherto taken have proved insufficient. If, therefore, the arrangement could be so made that vessels under our flag should be brought for trial into our own jurisdiction and tried by our own Courts, he inclined to think that the mutual right of search and seizure might be agreed to.

Mr. Calhoun, the Secretary of War, strongly expressed the contrary opinion. He said he gave no credit to Great Britain for her extreme ardor in this cause of abolition. He thought her professions of benevolence merely ostensible. Her real motives were her own interest and ambition. After having prohibited the traffic by her own people, she had a most powerful individual interest against its being carried on by others. Her colonial, her commercial, her shipping interests were all deeply affected by it. They could not bear to see a profitable trade enjoyed by rivals and competitors in which they were not permitted to share themselves. Then this right of searching foreign ships was precisely the thing upon which she was at issue with us on the impressment question. It exactly suited her views to devise an expedient, under color of its necessity for suppressing the slave-trade, which should familiarize other commercial and navigating nations to the practice of submitting to the search of foreign armed ships. All this was to pass to the account of benevolence and humanity. At the same time, if we accede to this proposal, the credit of it all goes to her. We follow her lead. We appear to the world as the satellite and she the primary planet—a position the more disparaging to us, because in point of fact she was merely following our lead; the first example of prohibiting the trade having been set by us.

I concurred generally with these views of Mr. Calhoun, adding that with regard to the motives of the British Government I was rather more charitable. I believed the Ministers themselves were not very earnest for the abolition of the trade; but there was a powerful party in Parliament, and in the nation, who had set their hearts upon it. The Ministers were obliged to conciliate them. I believed great multitudes of this party were honestly and disinterestedly actuated by real motives of humanity. I gave credit even to the Ministers for some part of this motive. The impulses to action in this, as in most other cases, are not simple, but compounded. I would not deny the existence of those that are laudable, nor neglect the detection of those which co-operate with them.

The President said that, whatever the motives of the British Government might be, our refusal to accede in this case to the mutual right of search and seizure would hereafter strengthen our cause, in any discussion with them, upon the question of search for men during war. This alone was, he thought, a decisive reason for persevering in our refusal. But Mr. Canning's note required proposals to be made on our part, if we declined those presented to us. What should we offer? Several expedients were proposed. One was a stipulation to keep a certain force constantly on the coast of Africa and in the latitudes where the trade is chiefly carried on. But it was concluded that this might become inconvenient, and even useless. It was finally thought best not to propose any formal Convention, but to state the fact that we have had for some time a vessel constantly cruising on that coast, and that it was intended to keep such force there; that by concert with the British Government instructions might mutually be given to the commanders of those cruisers on both sides to cruise in company whenever they might find it useful or convenient, and to furnish one another every aid and assistance in their power for the furtherance of the common object. I was directed to prepare the draft of an answer to Mr. Canning's note conformable to this determination.

It was near five o'clock when the Cabinet meeting broke up. I was belated, therefore, in going to Mr. Poletica, the Russian Minister's, to dine. I found the company already seated at dinner. It was his anniversary banquet to the Diplomatic Corps on the Emperor's birthday—this day, instead of to-morrow, which will be Sunday. The Emperor Alexander's and the President's healths were, as usual, toasted in champagne.

25th. *Christmas Day.*—No attendance at the office. I gave the day to relaxation, and, with a view to make an experiment upon the taste of the younger part of our present family, after breakfast I read aloud Pope's Messiah, a poem suited to the day, and of which my own admiration was great at an earlier age than that of my son Charles, the youngest person now in my family. Not one of them, excepting George, appeared to take the slightest interest in it; nor is there one of them who has any relish for literature. Charles has a great fondness for books, and a meditative mind, but neither disposition nor aptitude for public speaking or correct reading. Charles must teach himself all that he learns. He will learn nothing from others.[1] Literature has been the charm of my life, and, could I have carved out my own fortunes, to literature would my whole life have been devoted. I have been a lawyer for bread, and a statesman at the call of my country. In the practice of the law I never should have attained the highest eminence, for the want of natural and spontaneous eloquence. The operations of my mind are slow, my imagination sluggish, and my powers of extemporaneous speaking very inefficient. But I have much capacity for, and love of, labor, habits on the whole of industry and temperance, and a strong and almost innate passion for literary pursuits. The business and sometimes the dissipations of my life have in a great measure withdrawn me from it. The summit of my ambition would have been by some great work of literature to have done honor to my age and country, and to have lived in the gratitude of future ages. This consummation of happiness has been denied me. The portion of life allotted to me is that of my mortal existence; but even in this failure of my highest objects, literature has been to me a source of continual enjoyment and a powerful preservative from vice. It would have been a great comfort to me if all or either of my children inherited this propensity. George is not entirely without it. The others have it not, and I have found every effort to stimulate them to it, hitherto, fruitless. Pope says "'tis education forms the *common* mind," and so it is; but the common mind will be always grovelling in common objects. The *uncommon* mind must form itself.

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[1] I have hesitated about retaining this comment, not from any objection to it, but from a disinclination to appear deliberately to put myself forward without reasonable cause. On the other hand, the suppression of it might seem to imply a paltry fear which I could not for a moment entertain.

27th. Attended the funeral of Mr. Burrill,[1] which proceeded from the Senate-chamber at eleven o'clock this morning. There was a prayer before the procession moved, by the Chaplain of the Senate, Mr. Ryland. I met Mr. Calhoun at the Senate-chamber, and he rode with me. The burying-ground at the Navy Yard is the spot where all the members of Congress dying here, and not removed by their friends, are interred. After the ceremony was over, Mr. Calhoun rode with me, and I left him at the War Office. We were remarking upon the number of members of Congress already mingling with the dust of this region, among whom are the two successive Vice-

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[1] James Burrill, Senator from Rhode Island, elected in 1816, died at Washington, 25th December, 1820.

Presidents George Clinton and Elbridge Gerry. There are plain, modest, and tasteless marble monuments over their remains, which the lapse of a few short years will demolish. We were remarking how exclusively by the nature and genius of our institutions we confine all our thoughts and cares to present time. We have neither forefathers nor posterity. This burying-ground is remote from any church. The funeral is a mere commitment of earth to earth. There is nothing to soothe the afflicted, or to rouse the thoughtless, by the promise and the warning which a church would give of the connection between time and eternity; nothing to remind the attendant at the funeral that death is a transition from this to another world. There is a resolution of Congress, existing ever since the death of Washington, that a monument in honor of his memory should be erected. I said to Calhoun that I thought, under that resolution, Congress ought to build a church of durable stone, equal in dimensions to Westminster Abbey or the Pantheon at Paris; that sheltered under the roof and within the walls of this church should be the sepulchral monument of Washington, and around it, suitably disposed, those of the statesmen and legislators of this Union whose lives may from time to time honorably close during their attendance here in the service of their country. Mr. Calhoun thought that Congress would not be supported in the expense of such a measure by the public opinion; of which I am well aware. He observed that it would be of great advantage to this country to have statesmen of a philosophical turn of mind. He is himself of that character, and it has brought him to a high distinction at a very early age. But he is the only man of the present Administration who does possess it. We are obliged to live from hand to mouth, to provide for the day that is passing over us, and to leave posterity to take care of itself.

29th. I called at the President's. Upon the draft of the answer to Mr. Canning's last note upon the slave-trade, he desired me to notify a meeting of the members of the Administration for to-morrow at noon. I was occupied at the office in preparing an answer to a call from the House of Representatives for any information received by the Department of State touching any alterations in the commercial laws or regulations of any of the nations of Europe since the year 1817. This resolution passed the House on the 11th instant, on the motion of Mr. Baldwin, of Pennsylvania, the champion of the manufacturing interest. I told him the other day that the information required by the House was contained chiefly in about half a dozen new tariffs, in as many different languages, each a little volume. This will not answer his purpose, which he told me was only to show that there had been no relaxation in the restrictions of any European nation upon their commerce with the United States.

30th. There was a meeting of the members of the Administration at the President's, when my draft of an answer to Mr. Canning upon the slave-trade note was fully considered. Its principles had all been agreed to at the former meeting, and now the draft was approved, with the suggestion of some slight alterations and some omissions, to soften the harshness of refusal. I had drawn the paper in terms of the strongest character, with a view to leave no occasion for further discussion upon the subject. The consequence had been that the same sentiment was expressed in the draft two or three times. It was proposed to curtail it of its repetitions and of some expressions which might be offensive; to which I agreed. There was some deliberation upon the proposals to be offered instead of those from Great Britain, which we decline. That in the draft was merely to concert between the two Governments mutual instructions to the commanders of the cruisers upon the African coast that they may cruise in company, and otherwise render each other every assistance in their power towards the attainment of the common object. This may be done without any formal treaty stipulation; but the question was made whether we might not offer further an engagement by treaty to keep a certain force, without intermission, say two or three armed vessels, always cruising on the coast. But Mr. Thompson, the Secretary of the Navy, said that we were not sufficiently informed of the kind of force which might most usefully be employed upon that coast. Smaller vessels drawing less water than those we now have there may be found better adapted to the service. It was not until the present year that we had any force there, and much information might be expected from the reports of the officers who have been, and now are, employed upon it. There might also be inconvenience in an engagement which would deprive us of the power of adapting the disposal of all our naval force to the exigencies of circumstances from time to time. We could not foresee how long *any* force might be necessary there. From the captures which have already taken place, it is probable that the use of our flag may be altogether abandoned by the slave-traders. A compact to keep cruisers where they could effect nothing would be troublesome, and give dissatisfaction to our own people. To these objections Mr. Calhoun added one of a political and more general nature. He was averse to any compact with Great Britain upon this subject, because he believed she was pursuing private ends upon pretences of public spirit. We began and are pursuing a system of policy of our own for the suppression of the slave-trade; while we keep that course we stand upon independent ground; but of any compact to which, at the proposal of Great Britain, we might accede, we should bear the burden and she would monopolize the credit. On these considerations, it was concluded to leave the proposals as they were in my draft.

31st. I paid visits to Mr. Edwards, Senator from Illinois, and Isham Talbot, from Kentucky. Edwards only was at home, and still confined to his chamber; though recovering. He renewed his complaints against the partialities of the President in favor of the enemies of his Administration and adverse to its friends, especially in the appointments to office in the Western country. He spoke much also of the two Senators elected from Missouri, Barton and Benton, and was particularly anxious that a Mr. Stewart should be appointed the District Judge in Missouri in preference to a Mr. Gray. They have both been Territorial Judges; but Edwards says that both for character and talents Stewart is by far the superior man. Benton, however, will strain every nerve for the appointment of Gray. I told Edwards that the third Territorial Judge, John B. C. Lucas, was also a candidate; but he said there could be no possible chance for him. Benton, to be sure, would much rather it should be Stewart than Lucas, whose son he killed in a duel; but Lucas was too unpopular. He was a man of singular and repulsive manners, and his appointment would give satisfaction to no party. I did not enter into discussion with Mr. Edwards upon this subject. Lucas will not be appointed, because he stands upon his own merits, and powerful interest is made on behalf of others. Gray will be appointed, because he is Benton's man, and because his influence will be backed by that of Crawford. But Lucas would be the most suitable man for the office. His enemies are his virtues. He has resisted the depredators upon the nation who swarm in that country with fraudulent land claims, and he has been of the party which would have left open a door for the possible future emancipation of slaves. But he is a man of unimpeached integrity. Born in France, bred to the knowledge and practice of the civil law, many years settled in the United States, and having been some time a Representative in Congress from one of the districts of Pennsylvania, his misfortune has been in going to reside in a country to the vices of which he could not accommodate his principles; and such is the constitution of human nature that virtue herself becomes obnoxious when she cannot adapt her principles to times and places. Edwards himself is a warm friend of the President's. But there is a rivality of influence between him and his colleague, Jesse B. Thomas, in their State, and, as Thomas is a partisan of Crawford's, it provokes Edwards to see all the appointments by the General Government in the State bestowed upon Thomas's creatures. He declared his determination to oppose in Senate the confirmation of some of these nominations.

January 1st, 1821.—At the drawing-room at the President's. It was more thronged with company than I ever saw it on any similar occasion. "Donec eris felix, multos numerabis amicos." Mr. Monroe, by a vote, with a single exception unanimous, of all the electoral colleges of this Union, has just been re-elected President of the United States for a second term of four years. No such state of things as the present has existed since the establishment of the present Constitution; for although the second election of Washington, like the first, was unanimous, yet the opposition to his Administration was more organized and more violent than it now is to that of Mr. Monroe.

I received a private letter from John Forsyth, our Minister at Madrid, informing me that the Cortes, on the 5th of October, had advised in secret session the ratification of the Florida Treaty. The letter is of the same day, and is the first direct information of the event. It confirms that which had been received on the 16th of last month from R. Rush, who had been notified of it by a private letter from the Duke of Frias, the Spanish Ambassador in London, on the 20th of October. The rumor has been circulating here these five or six weeks; but it would scarcely seem credible that, within four days, three months should elapse from the day of a transaction so important to us, at Madrid, before any direct advice of it should come to us. It shows that instructions should be given to the representatives of the public in Spain to transmit to us notice of all events of primary importance by the way of London and Liverpool.

2d. I made a draft of a report to the President, with the papers relating to the slave-trade, called for by resolution of the House of Representatives; and also of a message from the President to the House to communicate these papers. Mr. Canning, to whom I had sent my answer to his note of 20th of December on this subject, called at my office, and we had a desultory conversation of at least three hours on the slave-trade, the Queen's trial, European politics, literature, and, indeed, all sorts of topics. Concerning the slave-trade, he expressed the opinion that the proposals in my note would be quite inadequate to the object proposed, the effectual suppression of the trade. But, he added, his only remaining duty was to transmit them to his Government, which he should immediately do. He also enquired what amount of force it was contemplated by us to keep on the African coast; what particular instructions it was proposed to give in concert to the commanders; and in what manner it was supposed they might co-operate together. I told him the general instruction to co-operate, if agreed upon in principle by the two Governments, would lead to information from the officers themselves, upon which more particular instructions might afterwards be prepared; that for the present the instructions to cruise in company together when they may find it useful, and to communicate information mutually as opportunities may offer, was all that was deemed advisable, but there could be no doubt that a more special concurrent exertion might hereafter be combined.

It was very apparent that Mr. Canning was in no wise satisfied with our proposed substitute; nor is it to be expected that his Government will be more so. By the accounts just received from England, it has been learned that the bill of pains and penalties against the Queen has been abandoned in the House of Peers, after a vote by a majority of nine that it should pass to a third reading. I told Mr. Canning that I honored his kinsman for the independence of spirit with which as a Minister he had refused to take part in the prosecution against the Queen; and the more so as I was well aware of the conflict through which he must have passed in the Cabinet before he had come to that conclusion. I added that the issue had shown that the course which he would have taken in that affair would have been the best even with a view to the interest of the King. I made also many free remarks upon the proceedings in the House of Lords, upon the speeches of the Chancellor, upon the temporizing and conscientious scruples of the Bishops, and upon the advantages taken of them by the opposition Peers.

Canning was, as usual, exceedingly cautious to avoid expressing any opinion of his own—only, by a sort of involuntary exclamation, saying that the trial of the Queen was, to be sure, "a very bad affair." Of the rest he said little, but admired the consummate ability of the Lord Chancellor's speech on the bill's passing to the third reading. The rest of this conversation it were too tedious to detail; consisting altogether of my opinions, given with little restraint and in a dogmatical tone, while he listened as if with deference, now and then slyly insinuating rather than asserting his dissent, but contradicting nothing.

3d. The House of Representatives yesterday, on the motion of Henry R. Storrs, a member from the State of New York, passed a resolution, "That the committee on the expenditures in the Department of State be instructed specially to enquire whether any moneys have been disbursed through that Department, or authorized to be disbursed, on account of any salary or compensation to an Agent, or acting Agent, or any person employed in that capacity, on the part of the United States, during the year 1820, under the sixth or seventh articles of the late treaty of peace with Great Britain; and, if any moneys have been so paid, to enquire and report to the House by authority of what law, and by virtue and out of what appropriation, the same has been paid."

This is a thrust in the dark at me as Secretary of State. There is of late years in the House of Representatives a standing committee upon the expenditures in each of the Executive Departments, consisting of three members, appointed at the first session of each Congress for the whole term of the Congress. These committees are, in principle, set as a watch over the heads of Departments, to guard against their wasting the public money; but hitherto I had heard nothing of the committee upon the Department of State, except of its appointment. The Chairman of the committee now was a Mr. Peek, a member from New York, who has not been here this session, but this day Storrs was appointed to supply his place. At the last session of Congress the appropriation for the salary of an Agent to the Commission, under the sixth and seventh articles of the Treaty of Ghent, was struck out of the estimates, Samuel Hawkins, who had been the Agent, having resigned or been dismissed, and no other appointed in his place. Joseph Delafield then applied to be allowed to perform the indispensable duties of Agent, for the same salary which he had received as secretary to the former Agent, and the necessary additional expenses. I was directed by the President to accept Delafield's proposal, upon condition that the account of his compensation and expenses should be sanctioned by the Commissioner and come within the appropriation for the year. Delafield's letter and my answer were communicated to the House, with the other papers, upon Mr. Mallary's call; and Storrs seems to think he has me upon the hip for an expenditure without law or appropriation. It happens that there is both law and appropriation. For Delafield can receive nothing without the sanction of the Commissioner, which is authorized by the treaty, and his payment is expressly limited to come within the appropriation for the year.

Storrs is a federalist of some talents, and a handsome speaker. He has been a member of three successive Congresses, which, for a member from the State of New York, is very unusual; but, having mistaken the sense of his constituents on the Missouri question, he will probably not be returned to the next Congress. This prospect, which he has of late distinctly foreseen, has disconcerted all his expectations of public life, and produced effects upon his temper and habits unfavorable to his consideration and influence. He made a violent attack upon me in the Seminole War debate, in January, 1819, but was afterwards on terms of good humor and politeness with me. He is now dissatisfied with himself and with all the world. This motion is probably made with a view to make a special scrutiny into the expenses of the Department of State, and to signalize, if he can, any misapplication in it of public money. I trust he will be disappointed.

4th. I this day received dispatches from Mr. Forsyth announcing definitively the ratification by the King of Spain of the Florida Treaty; but there is with the ratification a correspondence between the Spanish Minister of Foreign Affairs, Perez de Castro, and him, which gives him some uneasiness, and which yet leaves some uncertainty upon the affair. The Cortes have in the most explicit manner declared null and void the grants to Alagon, Puñon Rostro, and Vargas, but at the same time have recommended an attempt to obtain some equivalent for this concession by negotiation. Perez de Castro, after a conference with Mr. Forsyth on this subject, wrote him a long note urging earnestly this demand, which Forsyth supposes will be renewed here by General Vivés when the ratified treaty is transmitted to him. So that there are yet obstacles to be removed.

5th. The Spanish Minister, General Vivés, called upon me this morning and requested answers to several notes which he has addressed to me, two of which are upon the case of the

Esperanza, a Spanish vessel taken upon a slave-trading voyage by the United States sloop-of-war Cyane, Captain Trenchard, sent into New York, one upon the case of a Spanish Consul at New Orleans, named Villavaso, who has been arrested upon a civil process, and two upon the case of the French ship Apollon, seized on the Spanish side of St. Mary's River for violation of our revenue laws. A second case of a similar character has occurred—that of the Eugenie, which, after entering St. Mary's River, was forced to go away. In these cases, Vivés said, he was the more anxious to receive an answer, because he was much urged by Mr. Roth, the Chargé d'Affaires from France.

I told him that with regard to the cases of the Esperanza and the Consul, delays had occurred from the necessity of ascertaining facts, and of awaiting the judicial decisions. In the cases of the French vessels, I had waited in the hope of the ratification of the Florida Treaty. By that event the jurisdiction of both sides of St. Mary's River would belong to the United States, the questions of right involved in the transactions relating to the Apollon and the Eugenie would cease to be important, and the unpleasant discussions likely to result from them I hoped might be abridged. Should that discussion take place, I should be under the necessity of making serious complaint against two Spanish officers—the Governor of East Florida, for constituting a pretended port where there was no settlement and could be no honest trade, and the only possible object of which was to defraud the revenue of the United States; and the Spanish acting Consul at St. Mary's, whose avowed object in all those transactions, of which he had been the principal agent, was to evade the laws and defraud the revenue of the Union. We were in possession of two private letters written by him disclosing the whole project, and proving that it was, in substance, a conspiracy against the country where this man was residing under the protection of the Consular character. As in the event of the ratification of the treaty the whole project would be at an end, I had hoped to be spared the necessity of discussing it at all, and wished him to assign this to his Government as the reason for delaying the answer to his notes.

He said that the Governor of East Florida had no authority to constitute the port of St. Joseph, unless by a special power from the Governor-General of Cuba. Whether Governor Coppinger had in this case such a power, he (Vivés) did not know. He had himself been surprised that Coppinger should have taken such a step precisely at the moment when the ratification of the treaty was hourly expected; and had written to him and earnestly cautioned him against anything which should be cause of complaint to the United States. As to the treaty, he had been assured by his Government that the ratification might be confidently expected, and he hoped he should speedily receive it by a special messenger. Mr. Poletica likewise called upon me, and showed me a communication which he had received from Count Bulgari, the Russian Chargé d'Affaires at Madrid; being a copy of a note from the Spanish Minister of Foreign Affairs to him announcing the ratification by him of the Florida Treaty.

6th. At the office I was occupied in preparing a dispatch to A. Gallatin, with which I send copies of all the papers relating to the seizure of the French ship Apollon, and the case of the Eugenie. Mr. Roth, the Chargé d'Affaires from France, has written several notes upon this subject, the last of which enclosed a protest by the captain of the Eugenie, couched in language so insulting to this Government that I was somewhat angered. I drafted an answer to Roth's note, and sent it to the President for consideration. The President wrote me that Roth's note deserved everything that I had said of it in my answer, but advised that I should only communicate verbally with Roth on the subject, and wait for the arrival of Mr. Hyde de Neuville to treat of it amicably, and to give friendly explanations to the French Government, through Mr. Gallatin. I therefore withheld my letter to Roth, and answered him thus, through Gallatin.

7th. Attended church at the Capitol. The preacher was a Mr. McIlvaine, a very young man, of great promise, settled recently at an Episcopalian church at Georgetown. His text was from Matthew xvi. 26: "For what is a man profited, if he shall gain the whole world, and lose his own soul? or what shall a man give in exchange for his soul?" The sermon was well written and eloquent, but much more in the enthusiastic manner of the Methodists than in the usual cool, didactic, and argumentative style of Episcopalian clergymen. The vehement, passionate, and terrifying tones of oratory have of late, however, been much practised by the Episcopalians in our Southern countries, and with them they have resumed the rigorous Calvinistic doctrines of election and atonement, regeneration and reprobation, which the Church of England had long discarded. They have been driven to this resource by the desertion of their followers. Fear and Hope are the two pillars upon which all religious faith is built. But Fear is an instrument of necessity. Hope is the creature of contingency. Fear flies to a refuge. Hope is always attended with doubt, and conscious of its own delusions. Fear is therefore always a more efficacious agent than Hope, and has far more powerful operation upon religious faith. There is another reason for the new kindling fervors of the Southern Episcopalians, who are now almost all educated at Princeton College. The teachers at that institution are of the most straitest sect of the Calvinists, and men of considerable ability. McIlvaine is from that school, and a native of the State of New Jersey. He expatiated with great effort of pathos upon the importance of the soul, and the infinite danger of its loss; but he did not undertake to explain what the soul is. That was above his reach.

9th. Mr. Dana is Chairman of a committee of the Senate who are making enquiries with a view to reduce and retrench the public expenditures. He has been obtaining abstracts of the accounts, showing the amounts of expenditures in the several Executive Departments at various periods of time, in 1800, 1808, 1816, and 1820. This disposition for retrenchment has arisen from the low state of the revenue and the distressed condition of the country. The spirit, as is natural, prevails strongly throughout the Union, and is so predominant in Congress that nothing would stand before it but for advice which has been given them to let their economy begin at home. The Legislatures of Rhode Island and New Hampshire passed resolutions recommending to their Senators and members of the House in Congress to endeavor to obtain a law to reduce the pay of members of Congress to six dollars a day, and six dollars for every twenty miles of travel. At the commencement of the session the late Mr. Burrill, in the Senate, and Mr. Eddy, in the House of Representatives, members from Rhode Island, offered resolutions for such reductions as were recommended by the Legislature of their own State, and the way they were met was to connect them with plans of general reduction of the salaries of all officers in the Executive Departments. In the Senate, on motion of Mr. Dana, a substitute was adopted instead of Burrill's resolution, and a committee of five was appointed to enquire into the propriety of reducing the pay of the members of Congress, and also the allowances of all executive officers, with leave to report by bill or otherwise. Dana is the Chairman of this committee, and is making the above-mentioned enquiries with a view to the report. Eddy's resolution fared still worse in the House of Representatives. The House refused to consider it; but sweeping propositions of universal retrenchment in the army, navy, fortifications, and executive offices took their places. Dana himself does not incline to the reduction of any of the expenses of the mere administration of the Government, but he is not prepared to meet the tide of popular sentiment by direct opposition. His path is by winding stairs.

Mr. Canning came to speak of the papers communicated to the House of Representatives by the President with his message relative to the negotiations concerning the slave-trade. There was one passage in a dispatch from me to R. Rush which I was aware would, when published, be displeasing to the British Government. It was a reflection somewhat pointed at the principle in the treaty between Great Britain and the Netherlands, that the cruisers for slave-traders of each nation should be authorized to search vessels of the other, even under convoy of armed vessels of their own. Canning alluded to it in general terms, intimating that he could have wished that it had not been included in the communication to Congress. As a letter of instruction from this Government to its own Minister, he had nothing to say of it, but, as it was no part of the communications which had passed between the two Governments, it did not seem, he said, to be required by the call from the House, and, containing something like censure on the British Government, might have been omitted from papers communicated to Congress for publication.

I told him that the call of the House included whatever had been done by direction of the President in this negotiation, of which the instruction to Mr. Rush was a very essential part; that I was not aware of any censure, in the paper to which he alluded, upon the British Government; the allusion was only to an important difference of principle between them and us; and the occasion was such as required that we should be very explicit in the avowal of our principles. I could assure him there was nothing offensive in the intention.

He then observed that among the papers communicated he had observed that the addresses from both Houses of Parliament to the King, requesting him further to negotiate with the United States for the suppression of the slave-trade, were not included. It had escaped my recollection that copies of these addresses had ever been received. I told Mr. Canning that I thought they had not; the substance of them had been reported in a dispatch from Mr. Rush, which is one of the papers sent with the message to the House of Representatives; but the copies of the addresses themselves I believed had not been received. He said he would send me copies of them to-morrow, and I promised him that a supplementary message should be sent with them.

Immediately after he left me, I examined myself the whole file of Rush's dispatches, and very soon found the one enclosing the copies of the addresses. It had been overlooked by Mr. Brent, the Chief Clerk of the Department, in the search which I had altogether relied upon him to make of the papers to be sent in answer to the call of the House. I immediately directed copies of them to be made, and, as the documents with the message have not yet been printed in pamphlet, I desired Mr. Brent, if the Speaker of the House would consent, that they should be sent immediately to the printers and added as part of the documents annexed to the message.

This accident is one of those which many times have happened from the complicated cause of my own inattention, Brent's inaptitude, and the want of method in the arrangement of business and disposal of papers in the Department. Every such instance of defective memory in myself brings with it humiliating reflections upon my own infirmity. While conscious of that, let it at least make me sensible of the indulgence due to others. I ought not to have forgotten that these papers had been received from Mr. Rush. I ought to have examined the whole file of Rush's dispatches myself for the documents to be sent with the message.

11th. R. W. Meade, of Philadelphia, a man who has been of great notoriety in the course of our controversies with Spain, came this morning and introduced himself to me at the office, saying that he was the bearer of the Florida Treaty, ratified by the King of Spain. He then took from his pocket a large packet addressed to the Spanish Minister, General Vivés, and said that was the treaty, and that he (Meade) had received it from the messenger who had brought it from Madrid. He was going with it to General Vivés, but had determined to come and show it to me, and give me the first notice of its being here. There were circumstances which led me to suspect that Mr. Meade was mistaken, but, as he was an entire stranger to me, and a few hours would ascertain the fact, I said nothing to him of my suspicions. He asked me if his claim was provided for in the treaty, and said that it was of infinite importance for him to know immediately, in order that, if it was not, he might without delay resort to the Spanish Government to obtain payment of it. I said that this question had been put to me from many other claimants, and I had invariably declined answering it, because, whether any particular claim was or was not embraced by the provisions of the treaty, was to be decided by the Commissioners upon the terms of the treaty itself, which must speak for and explain itself. My opinion upon it would go for nothing. All I could say to him was, that I supposed his claim was included among those provided for by the treaty. After Meade left me, I called at the President's, and told him what Meade had said of his being the bearer of the ratified treaty. But I requested the President not to mention it to any person, for I did not believe it, and if it should go forth as a positive fact from the Administration and afterwards prove untrue, it would cast a ridicule upon the Administration itself.

Mr. Delafield called, and told me that he had conversed both with Mr. Storrs and Mr. Mallary upon their resolutions concerning the Ghent Treaty Commissions; that they had both declared themselves perfectly satisfied of the propriety of his appointment, and with the allowance made to him for the service. I said that Mr. Mallary's resolution did not appear to bear upon this point; but if Mr. Storrs, as Chairman of the committee of the House of Representatives upon the expenditures in the Department of State, would report to the House the opinion which he had expressed to Delafield, all would be right. I had been expecting to hear from Mr. Storrs since his appointment on this committee, but hitherto without effect.

Mr. William Allen Deas paid me a visit, on his way from Philadelphia to the Western country, where he now resides. In the year 1794 I had known him as Secretary to Mr. Thomas Pinckney, then our Minister in London. In October, 1795, I found him again as Chargé d'Affaires at London, and upon Mr. Pinckney's return from his special mission to Madrid he resumed the character of his Secretary. I left him in London, May, 1796, then about to return with Mr. Pinckney to this country. Since then I have never seen him till this day. He was then a young, gay, and fashionable man. Twenty-five years have drawn furrows upon his face. He is now a plain, grave, and elderly man. These transitions from youth to old age always seem instantaneous on meeting, after a lapse of many years, a person whom I have formerly known. Nothing so forcibly brings home to the mind the operation of time and human mutability. Memory retains of persons the impression left upon it when they were last seen. Time accomplishes a metamorphosis which we can scarcely realize but by the testimony of the senses. I received some months since from Mr. Deas a letter soliciting my aid in behalf of his son, to obtain for him a warrant of midshipman in the navy. He is to proceed upon his journey to-morrow, and dined with me this day.

12th. Mr. Calhoun called this morning at my house, and apologized for having missed dining with us yesterday; he had forgotten the day of the invitation, and did not discover the mistake until last evening after having dined at home. He also enquired if I had any further accounts from Spain. I told him of Meade's visit and assertion yesterday, which last, having heard nothing from General Vivés, I now totally disbelieved. On going to the office, I received a letter from Meade himself, acknowledging the mistake, and that General Vivés had this day informed him that the dispatch of which he had been the bearer did not contain the treaty. He represents himself to have been led into the error by the assurances of several Spanish Consuls and Agents. Of all the transactions in which I ever was concerned, this negotiation is the most treacherous. Not a step of it can be taken without meeting with delusion and fraud.

13th. Captain O'Brien called at the office. He has not yet obtained a report from the Committee of Claims upon his petition. The ship, he says, is aground on the Missouri bar, and God knows when or how she will be got off. They have been three days debating in the House of Representatives whether an entry upon their journals should be that Mr. Lowndes presented three memorials of the Legislature "of Missouri," or "of the State of Missouri," and have taken five times the yeas and nays upon questions arising from the debate. The Clerk had made up the journal with the words "the State of Missouri;" the Speaker had erased the words "the State of." Cobb, of Georgia, moved to amend the journal by reinserting the words "the State of"—the vote on this question was seventy-six to seventy-six, and was decided only by the casting vote of the Speaker himself. Then there were motions to insert the words "the Territory of"—"the late Territory of," and finally a string of resolutions, offered by R. R. Reid, of Georgia, declaring the erasures made by the Speaker to be alterations, and not corrections, of the journal. These are all ebullitions from the heated temper of the parties. The actual condition of Missouri is neither that of a State nor a Territory, but in the very process of the metamorphosis—the chrysalis between the egg and the butterfly.

17th. Mr. Canning called upon me at the office, to have what he called a little gossiping conversation with me, but he stayed with me at least three full hours, and at last, after it was nearly dark, drawing out his watch, he exclaimed, "God bless me! 'tis near six o'clock, and I have invited a large party to dine with me at five. *I believe you must offend me.*" Our conversation had been upon a great variety of topics, political and literary, but not upon anything of business. As on other occasions, I gave him, with more freedom than caution, my own opinions, while he was exceedingly reserved and discreet in the expression of his own. There is danger to a man in my station in holding such conversations; yet I do not, even upon such occasions, speak without motive. As I know that the substance of all that I say upon political topics will be reported to the Government of the man to whom I speak, I express such opinions as, being really mine, may, so far as they can possibly have any influence, promote the interest of my country or the cause of truth, virtue, and liberty. The danger is twofold: first, of being misunderstood, and, secondly, of being misrepresented; and it would perhaps be wiser to keep all foreign Ministers more at a distance, and talk with them upon nothing but business or the weather.

18th. Walking round to my office, I met T. Fuller, a member of the House from Massachusetts, who told me that there had been very severe animadversions yesterday upon the Secretary of War by John Floyd, a member from Virginia. The example had already been set by Lewis Williams, who owes Calhoun an old grudge; and the attack, which commenced at the last session by arresting the Yellowstone River expedition, is now systematically pursued by a coalition of all the partisans of Mr. Crawford, of De Witt Clinton, and of Mr. Clay, in the House. The falling off in the revenue has stirred up the spirit of economy and retrenchment, and as the expenditures of the War Department are those upon which the most considerable reduction can be made, it is at them that the economists level their first and principal batteries. Individual personal jealousies, envies and resentments, partisan ambitions, and private interests and hopes, mingle in the motives which prompt this policy. About one-half the members of Congress are seekers for office at the nomination of the President. Of the remainder, at least one-half have some appointment or favor to ask for their relatives. But there are two modes of obtaining their ends: one by subserviency, and the other by opposition. These may be called the cringing canvass and the flouting canvass. As the public opinion is most watchful of the cringing canvass, the flouters are in fact the most numerous party. This Dr. Floyd is one of the flouters. The President gave me yesterday to read a paper which this man has prepared as Chairman of a committee, being a report urging an immediate settlement and territorial establishment at the mouth of Columbia River, and a total change of our system of intercourse and trade with the Indians. Floyd had put it into the President's hands, with a request that he would suggest any alterations that he might think desirable. I returned the paper this morning to the President, who asked me what I thought of it. I told him I could recommend no alteration. The paper was a tissue of errors in fact and abortive reasoning, of invidious reflections and rude invectives. There was nothing could purify it but the fire.

The President told me he had been informed that the Columbia River settlement project was for the benefit of a brother-in-law of Dr. Floyd's, who was Treasurer of the State of Virginia, and about a year since was detected in the embezzlement of the funds of the State, and was a delinquent to the amount of many thousand dollars. This had so disgraced him in reputation that a retreat to Columbia River was thought expedient for him by his friends, and, as his near relations shared something of the ignominy which had attached to him, Dr. Floyd probably intended to be of the Columbia River party too.

19th. Mr. Dana, the Senator from Connecticut, came to make further enquiries concerning the expenditures in the Executive Departments. He said, after his manner, "It is my opinion that the expenditures in the Executive Departments are very extravagant; and now what have you to say in defence of them?" I answered, in the same tone, "But before you put me upon my defence, please to specify to which of the Departments, and in what the charge of extravagance consists." "To all the Departments; and the special charge consists in the increased amount of expenditures in each Department. The expenses in the War and Treasury Departments, for instance, are, in the year 1820, three times as great as they were in 1800. In the Department of State they are increased not in the same proportion, but are about doubled." I then said, "As to the increase in the other Departments, I must leave the defence of them, which would be very easy, to their respective heads. It would be enough for me to defend my own dominions. As to the increase in the Department of State, a small part of it was occasioned by an augmentation of the salaries of the officers employed in it. That of the Secretary had been only of two years' standing; as the salary now is, my individual and domestic expenses exceed it from four to five thousand dollars every year, and as a reduction of it would only increase by so much the contribution which I pay for serving the public, if in the consideration of Congress that sacrifice be necessary for an alleviation to the burdens of the country, I am quite prepared to acquiesce in it. But I should regret any reduction of the salaries of the clerks, because none could be made which, in amount, could be any object to the nation, and because the best of them gave no more than a comfortable subsistence to the holders; and none were adequate compensation for the qualifications which, to be fit for the offices, they ought to possess. But the great increase of expense was owing to the increase of the country and of the duties to be performed at the Department. The foreign correspondence, indeed, remained much the same now as it was in 1800. The only difference was a Legation in Russia now instead of a Legation in Prussia then, and an additional Chargé d'Affaires now in Sweden. But the interior correspondence then was with sixteen States; it is now with twenty-four. It was then with a population of less than five, and now of more than nine, millions; to which must be added the increase of the inquisitive spirit in Congress. At that time there were in Congress about one hundred and thirty members; there are now upwards of two hundred and thirty. Then two or three octavo and one folio volume constituted all the documents printed at a session. Now there are from fifteen to twenty volumes published every year. There are assuredly five calls from Congress for information and documents from the Departments for one that there was then. Every call requires a report, and every call gives copying employment for clerks. Congress, three years ago, allowed two additional copying clerks, but they required, in addition to all the current business, the copying and publication of five large volumes—one, the journal of the Federal Convention of 1787; one, the digest of foreign commercial regulations; and three, of secret journals of the old Congress." I then informed him how the business was distributed in the Department, and of the employment of the several clerks, and told him that instead of having superfluous hands I wanted one or two more, and should certainly ask of Congress appropriations for them were it not that in their present retrenching disposition it is doubtful whether they will even leave me those that I have. Mr. Dana professed himself to be satisfied with my defence, which in fact he did not need for himself, but he said he should use the information I had given him at the proper time and place.

20th. Had a visit from Mr. Manuel Torres, styled the Chargé d'Affaires from the republic of Colombia. He came, as usual, to ask for an acknowledgment of the republic, a loan of money, and a supply of arms. I told him it was to be expected from the armistice lately concluded between the Generals Bolivar and Morillo that the republic would soon be acknowledged by all the world, and that I hoped under these circumstances his country would henceforth need neither loan of money nor supply of arms. I enquired if he had received any new instructions from his Government since the armistice, and whether he had been informed how it came to be made.

He had no new instructions, not even to inform him of the armistice. He supposed it was a sort of capitulation to permit Morillo and the Spaniards to evacuate the country. There was no doubt that if the war had continued the patriots would by this time have been in possession of Carthagena; but there must have been sharp fighting for it, and if it had been taken by force, the inhabitants must have suffered very severely by the operation. The danger of this would have been the greater because there had been of late numerous desertions from the Spanish army to the patriots. These deserters immediately joined the patriots' service, and, having neither interest nor personal connection with the country, their real object was plunder, and they cared not from which party of the inhabitants. Bolivar had already found them very troublesome, and was probably apprehensive of having them come over to him in larger numbers. It was neither his policy nor the interest of the patriots that the inhabitants of the places in possession of the Spaniards should suffer, because, after all, the country itself would suffer by their injuries.

This explanation of the armistice is very plausible, and may be correct. But it does not accord with the very formal written communication lately made to me by Mr. Torres, in which the very proposals for an armistice made by the Spanish commanders were represented as insidious, because they were addressed at the same time to the Congress and to different Generals distant from each other; and the most positive assurances were given that no armistice would be agreed to without a distinct acknowledgment of independence. I told Mr. Torres that at all events I was much gratified to observe the other convention between the two Generals, stipulating that if the war should be renewed it should be conducted upon the principles of legitimate warfare.

22d. Dr. Allison called upon me this morning. He is an old Baptist clergyman, who was a chaplain in our army during the Revolutionary War. Having no talent for public speaking, he has not been successful in his calling, has no parish or permanent church, and even the House of Representatives, who for several sessions chose him in charity for their chaplain, have dropped him at this session. He is in very needy circumstances, and has long been a candidate for the appointment of Superintendent of the Patent Office in case of the removal of Dr.

Thornton by an appointment to South America. But he came now to tell me that he was the Vice-President of the General Association of Baptist Ministers throughout the United States; that this office gave him a very extensive political influence—because this Association held annual meetings, and although they had no direct discussion of political subjects, yet there was much conversation among the members concerning public men and public affairs, and it was in his power to exercise great influence over the opinions of the members, a power which would be much enlarged with some small assistance of money; that as the second election of Mr. Monroe as President of the United States was now completed, it was natural to look forward to the next Presidential term and enquire who would be the fittest person for his successor; that he had reflected much upon this subject, and had come to the conclusion that I was the most suitable person, and that he should be disposed to exercise all his influence in my favor.

I tendered him my thanks for his good opinion, and told him I could make him no better return for it than to give him a candid and explicit statement of my principles. I did not know that it was Mr. Monroe's intention to retire from public life at the expiration of his second Presidential term. If he should not decline a third election, I should not consent, were it even in my power, to have my name held up as a candidate in opposition to him. If he should decline, and my life and health after four years remain as at present, I shall with others be before the nation to be disposed of as they may think proper. If others should be disposed to hold me up as a candidate for the suffrages of my country, I shall not, as at present advised, withhold my name; but I shall neither solicit the nomination nor take any part whatever in procuring or supporting it.

The Doctor said he thought the principle which I had determined to pursue entirely correct, and that his own purposes as he had mentioned them were all founded upon the presumption that Mr. Monroe would decline another re-election, as he should not wish to support any other person in opposition to him. The Doctor then, apparently, but, I believe, not really satisfied, left me. I should be sorry to do him injustice, but I suspect, so far as the pledge of his influence may go, the true Amphitryon will be the man that shall give the dinner.

26th. General Vivés, the Spanish Minister, was at the office. He came to ask again for answers to several notes, which I have postponed in expectation of the arrival of the ratified Florida Treaty. He said that he had been informed that a Mr. De Barros was the bearer of it, and had been dispatched with it from Madrid the 25th of October. He was to embark at Bordeaux in a vessel bound to Philadelphia. The severity of the season here has had corresponding prevalent westerly winds on the Atlantic Ocean.

Mr. Canning, the British Minister, called at the office, and, intimating that he came to have some conversation with me in his official character, observed that, having been some days since present at a debate in the House of Representatives, he had heard some observations made by Mr. Nelson, of Virginia, importing a design in the Government of this country to form some new settlement on the South Sea; that he should not particularly have noticed this but that in the National Intelligencer of this morning, a paper generally considered as partaking in some sort of an official character, there was a publication signed by Mr. Eaton, a member of the Senate, which was a part of the Executive Government, and which disclosed an avowed project for such a settlement on the Pacific Ocean. He had, therefore, thought it his duty to call upon me and enquire what were the intentions of the Government in this respect.

The personal communications between Mr. Canning and me hitherto had all been of a character so conciliatory and friendly that, although much surprised both at the form and substance of this address, I answered him that I had not read the publication of Mr. Eaton, nor had I heard of the remark which he mentioned to have been made by Mr. Nelson; that I was not acquainted with the opinions of those members of Congress on this subject, but, from a prevailing disposition in the country, it was very probable that our settlement at the mouth of Columbia River would at no remote period be increased.

He immediately assumed an air widely different from that of the easy familiarity with which the conversation had commenced, and, with a tone more peremptory than I was disposed to endure, said he was greatly surprised at receiving this answer. With a corresponding change of tone, I told him he could not be more surprised than I was, both at the form and substance of his address on this occasion.

"And am I to understand this," said he, "as the determination of the American Government?"

"No, sir," said I; "you are to understand nothing as the determination of the American Government that I say to you without consultation with and directions from the President. What I have now said to you is merely an opinion of my own."

He then repeated that he was greatly surprised to hear it, as he conceived such a settlement would be a direct violation of the article of the Convention of 20th October, 1818.

I immediately rose from my seat to look for the volume of the laws of the United States which contained the Convention. While I was looking for it, Mr. Canning said it was not his wish to take me upon this subject by surprise, and that, if it would be more agreeable to me, he would call upon me some other day.

Without replying to this remark, having found the book, I resumed my seat, and, after reading audibly the article of the Convention respecting the boundary, said, "Now, sir, if you have any charge to make against the American Government for a violation of this article, you will please to make the communication in writing."

He then said, with great vehemence, "And do you suppose, sir, that I am to be dictated to in the manner in which I may think proper to communicate with the American Government?"

I answered, "No, sir. We know very well what are the privileges of foreign Ministers, and mean to respect them. But you will give us leave to determine what communications we will receive, and how we will receive them; and, you may be assured, we are as little disposed to submit to dictation as to exercise it."

He then, in a louder and more passionate tone of voice, said, "And am I to understand that I am to be refused henceforth any conference with you on the business of my mission?"

"Not at all, sir," said I; "my request is, that if you have anything further to say to me *upon this subject*, you would say it in writing. And my motive is, to avoid what, both from the nature of the subject and from the manner in which you have thought proper to open it, I foresee will tend only to mutual irritation, and not to an amicable arrangement."

With some abatement of the tone, but in the same peremptory manner, he said, "Am I to understand that you refuse any further conference with me *on this subject?*"

I said, "No. But you will understand that I am not pleased either with the grounds upon which you have sought this conference, nor with the questions which you have seen fit to put to me. The only foundation upon which you rest your application is a remark made by a member of Congress in a debate, and a publication of another member of Congress in a newspaper. The members of the legislature of this country are not only perfectly independent of the Executive, but the Executive cannot permit itself to be questioned by any foreign Minister upon anything said or done by them. And as little do I admit your right to ask any question of our intentions with regard to the mouth of Columbia River."

"What, then," said Mr. Canning, "was the meaning of the article in the Convention which you have just read?"

"Its true meaning I suppose to be that both parties considered the whole subject not worth disputing about; but, after the British Government had sent out a public ship with express orders to make a formal surrender to us of the post at the mouth of the Columbia River, which had been taken during the late war, and after that restoration had been thus made, we certainly did expect that we should hear nothing further from them on that subject; we thought they had made up their minds concerning it; and it forebodes no good to the harmony between the two countries if they have not."

Canning.—"I have understood that the transaction during the war was rather a transfer of property between individuals than a capture. The property of the American settlement which had been made before was purchased by British merchants from Canada. The order to restore the place was given to put things in the same condition that they had been in before the war, but could have no effect on the question of title. It was, therefore, my duty to make this application to the American Government; a duty the more urgent when it was considered that in 1817 the American ship-of-war Ontario was sent out without any notice to the British Minister at Washington."

He said this in a very emphatic manner, and as if there had been an intended secret expedition in the fitting out of the Ontario, which had been only detected by the vigilance and penetration of the British Minister.

I answered, "Why, Mr. Bagot did say something to me about it; but I certainly did not think him serious, and we had a good-humored laughing conversation on the occasion."

Canning, with great vehemence.—"You may rely upon it, sir, that it was no laughing-matter to him; for I have seen his report of it to his Government, and know what his feelings concerning it were."

I replied, "This is the first intimation I have ever received that Mr. Bagot took the slightest offence at what then passed between us. There never, to my recollection, at any time passed a word in anger between Mr. Bagot and me; and you will give me leave to say that when he left this country——"

Here I was going to add that the last words he said to me were words of thanks for the invariable urbanity and liberality of my conduct, and the personal kindness which he had uniformly received from me; but I could not finish the sentence. Mr. Canning, in a paroxysm of extreme irritation, broke out—

"I stop you there. I will not endure a misrepresentation of what I say. I never said that Mr. Bagot took offence at anything that had passed between him and you; and nothing that I said imported any such thing." Then, after a pause of a few moments, he added, in the same passionate manner, "I am treated like a school-boy."

I then resumed: "Mr. Canning, I have a distinct recollection of the substance of the short conversation between Mr. Bagot and me at that time; and it was this——"

"No doubt, sir," said Canning, interrupting me again—"no doubt, sir, Mr. Bagot answered you like a man of good breeding and good humor."

"He came," said I, "and remarked that he had heard the Ontario sloop-of-war had been dispatched to take possession of the mouth of Columbia River, and expressed some surprise that notice had not been given of it to him. I told him it had happened accidentally, just before I came into the office, and during the absence of the President. It was merely to resume possession of a place which had been held by American citizens before the war, and which had been taken during the war. It was simply to take again our own property. Mr. Bagot then asked whether we did not consider Great Britain as having a claim there. I answered, 'No; what claim could she have?' He replied, 'Don't you think we derive some claim from Sir Francis Drake?' 'Methinks,' said I, 'you may as well claim the whole eastern shore of this continent by title from Sebastian Cabot.' 'No,' said Mr. Bagot; '*that question is settled*.' And here the conversation ended. I never heard a word more from Mr. Bagot on the subject, and very soon afterwards Captain Hickey, of the Blossom, by express orders from the British Government, went purposely to the Columbia River, and there solemnly delivered possession to Mr. Prevost, the Agent of the American Government, of the place, in faithful execution of the stipulation in the Treaty of Ghent. By the article afterwards in the Convention of 20th October, 1818, we had agreed that all the ports and places west of the Stony Mountains should be open for ten years to both parties—an engagement which on our side will be scrupulously fulfilled; but of any claim of Great Britain, supported by a shadow of evidence at the negotiation of the Convention, I never heard."

Mr. Canning, while I was speaking, had now grown cooler, and seemed to be surprised that there had been no discussion of claims to territory on the South Sea at the negotiation of the Convention of October, 1818. He said he had understood that the British Government considered the taking of the settlement on Columbia River, during the war, as merely a transaction between private individuals, and that the restoration of it by Captain Hickey was only to place things in the same state in which they had been before the war; but that Mr. Bagot had been ordered *verbally* to require an explanation of the proceeding of the American Government in sending the Ontario without notice to him, and had been referred to a previous correspondence on the subject between Mr. Monroe and Mr. Baker.

I said that Mr. Bagot had not, to my recollection, spoken to me of this affair more than once; but that he certainly had never required any explanation from me, after hearing from his Government, concerning the expedition of the Ontario. It was, therefore, with extreme surprise that I found him (Canning) starting a question of our right to Columbia River; and the manner of his address had been equally unexpected.

Mr. Canning then again, with much warmth, asserted his right to be the only judge of the manner of his proceedings.

I said that on former occasions, from the great respect which he had avowed for this Government, and the conciliatory disposition which he had manifested, I had perhaps thrown off in conversation with him some of that cautious reserve which in our respective stations might have been strictly regular; but that he was not to infer from that a right to question me in a manner to which I would not submit from any other foreign Minister. So long as his professions had been supported by his conduct . . . .

Here Mr. Canning again stopped me, by repeating, with great vehemence, "My conduct! I am responsible for my conduct only to my own Government."

I replied that we understood fully the rights and privileges of a foreign Minister, and meant that he should enjoy them. But we knew also the right of every Government receiving a foreign Minister to judge of the propriety of his conduct towards them, and should not relinquish it. But it was quite unnecessary, and would be worse than useless, to pursue this discussion as a question of personal conduct between him and me. It would be best to confine ourselves in future to the subject which concerned the two Governments; and my own opinion was that the best mode of treating it would be in writing.

He said that for his part he was perfectly willing to forget all that had now passed.

I told him that I neither asked nor promised him to forget. I could not forbear entertaining my opinions; nor did I wish him to forbear entertaining his.

He asked again if he was to understand me as refusing to confer with him further on this subject. I said, No.

Would I appoint a time for that purpose?

I said, Now, if he pleased. I was ready to hear anything that he had to say to me concerning it. But, as he appeared to be under some excitement, perhaps he might prefer some other time, in which case I would readily receive him to-morrow at one o'clock; upon which he rose and took leave, saying he would come at that time.

Immediately after this conversation I went over to the President's, and reported the substance of it to him. He said he thought it impossible that the policy of the British Government should at this time be to seek causes of dispute with us. He supposed that Mr. Canning wished to make a merit with his Government of his zeal, but he thought he would be cooler to-morrow, after sleeping upon it. He must see that he was wrong in questioning the Executive upon what was said or published by members of Congress, and it was hardly to be expected that his Government would countenance him in it. The President also desired me in the conference to-morrow to be perfectly explicit as to our claim of right, and equally so in denying the right of Great Britain to contest it.

27th. The messenger of the Department announced Mr. Canning. I told the messenger to say to Mr. Canning that I would receive him in a few minutes. Mr. Eddy remained with me not more than five minutes longer; and Mr. Canning when he came in, as he sat down, took out his watch, and observed that it was forty minutes faster than the clock here. While he was speaking, the clock in the office struck one. I made no answer to his remark, which might be considered either as a complaint that he had been made to wait, or as an apology for having come before the time appointed. He proceeded to say that, conformably to the desire expressed by me yesterday, he had now come to have some further conversation upon the subject of our interview then.

There was in his manner an apparent effort of coolness, but no appearance of cheerfulness or good humor. I saw there was no relaxation from the tone he had yesterday assumed, and felt that none would on my part be suitable. I said he would recollect that our conference of this day was not at my desire. I had yesterday repeatedly expressed to him the opinion that if this discussion was to be further pursued it should be in writing. He had with some earnestness urged another conference, and when he requested me to fix the time I had told him that I was ready and willing to hear then anything that he had to say on the subject; that perhaps, under the excitement which he was then manifesting, he might himself prefer to resume the conversation some other day, and, if so, I would see him whenever it should be most agreeable to himself; he had then asked me to name a time, and I appointed this day at one o'clock.

He said, "Well, then, be it so." He then took from his pocket the National Intelligencer of yesterday, folded down to the column in which the proceedings of the House of Representatives were reported, and, referring to the statement that Mr. Floyd had reported a bill for the occupation of the Columbia River, said that was an indication of intentions in this Government which he presumed would leave no question of the propriety of his application to me.

I told him it was precisely that in which its greatest impropriety consisted. But I could only repeat what I had said to him yesterday, that I saw no use in continuing a discussion upon the propriety of his conduct or of mine.

He said he would most cheerfully consent to be the sacrifice, if that only was necessary to the harmony of the two countries; but that nothing could exceed his astonishment at the manner in which I had received his application of yesterday. He could assure me with the utmost sincerity that since the existence of this country as a nation there never had been a time when the British Government had been so anxiously desirous of preserving and cherishing the most perfect good understanding and harmony with this; but that at the same time they would not, on that account, yield one particle of their rights.

I told him I had no doubt of the correctness of his statement in both its parts, and I was happy to give him the same assurance on the part of this Government. It was the earnest wish of the President to preserve the most friendly relations with Great Britain; but he would maintain all the rights of the United States. And I would add, as my individual opinion, that any chicaning of our right to the mouth of Columbia River would assuredly not tend to promote that harmony between the two countries.

Mr. Canning again repeated his surprise at the tone and temper with which his application yesterday had been received. He said he had examined and re-examined himself, and had in vain enquired what could have been the cause of the asperity with which he had been treated by me.

"Sir," said I, "suppose Mr. Rush should be present at a debate in the House of Commons, and should hear a member in the course of a speech say something about the expediency of sending a regiment of troops to the Shetland Islands, or a new colony to New South Wales; suppose another member of Parliament should publish in a newspaper a letter recommending the same project; and suppose Mr. Rush should then go to Lord Castlereagh and formally allege those two facts as his motives for demanding whether the British Government had any such intentions; and, if answered that very probably they might, he should assume an imperious and tragical tone of surprise and talk about a violation of treaties: how do you think it would be received?"

He said that *now* he fully understood me, and could account for what had passed; this answer was perfectly explicit. But did I consider the cases as parallel?

"So far as any question of right is concerned," said I, "perfectly parallel."

"Have you," said Mr. Canning, "any *claim* to the Shetland Islands or New South Wales?"

"Have you any *claim*," said I, "to the mouth of Columbia River?"

"Why, do you not *know*," replied he, "that we have a claim?"

"I do not *know*," said I, "what you claim nor what you do not claim. You claim India; you claim Africa; you claim——"

"Perhaps," said he, "a piece of the moon."

"No," said I; "I have not heard that you claim exclusively any part of the moon; but there is not a spot on *this* habitable globe that I could affirm you do not claim; and there is none which you may not claim with as much color of right as you can have to Columbia River or its mouth."

"And how far would you consider," said he, "this exclusion of right to extend?"

"To all the shores of the South Sea," said I. "We know of no right that you have there."

"Suppose," said he, "Great Britain should undertake to make a settlement there, would you object to it?"

"I have no doubt we should," said I.

"But, surely," said Mr. Canning, "proof was made at the negotiation of the Convention of October, 1818, of the claims of Great Britain, and their existence is recognized in it."

"There was no proof," I said, "made of any claim, nor, to my knowledge, any discussion of claim. The boundary to the Stony Mountains was defined; westward of them Great Britain had no settlement whatever. We had one at the mouth of the Columbia, which, having been broken up during the war, was solemnly restored to us by the British Government, in fulfilment of a stipulation in the treaty of peace. We stipulated in the Convention that the ports and places on the Pacific Ocean should be open to both parties for ten years, and, taking all these transactions together, we certainly did suppose that the British Government had come to the conclusion that there would be neither policy nor profit in cavilling with us about territory on this North American continent."

"And in this," said he, "you include our northern provinces on this continent?"

"No," said I; "there the boundary is marked, and we have no disposition to encroach upon it. Keep what is yours, but leave the rest of this continent to us."

"But," said he, "this affects the rights of Russia and of Spain."

"Russia and Spain," I replied, "are the guardians of their own rights. Have you, Mr. Canning, any right to speak in their name?"

"Why, sir," said he, "I can assure you that Great Britain is in very close alliance with them."

"Yes, sir, Great Britain has strong allies; we know that very well," said I; "but they have not authorized you to speak for them."

"And do you wish me," said he, in a tone highly incensed, "*to report to my Government* what you have now said to me?"

"Sir," said I, "you may report to your Government just what you please. Report to them, if you think proper, every word that I have said to you, not only now, but at any time, or that I ever shall say, provided you report nothing but the truth, as I have no doubt you will."

He said he thanked me for the addition of that opinion.

I said that I had no doubt he would report nothing but the truth, and should not, by anticipation, admit any suspicion to the contrary. "But," added I, "if you do report our conversation to your Government, I request you to state explicitly that I took strong exception both to the form and to the substance of your application to me on this occasion. To the form, because you came to put questions to me of an irritating nature upon the foundation of the speeches and reports of individual members of Congress; and to the substance, because the questions were of a nature which we do not admit your right to ask. I did, in the first instance, answer an improper question; not in the name of the Government, but merely by giving you an opinion of my own. Upon which the tone and manner assumed by you in reply convinced me that nothing useful to either party could result from any further verbal conference between us. If you meant to make a Falkland Island or Nootka Sound affair of it, I thought it best the discussion should be in writing, which would not be liable to misapprehension."

"I don't know that," said Mr. Canning, interrupting me.

"At least," I resumed, "such misapprehensions would be more easily rectified, and would have over them a guard of public opinion. The objection to the form of your address was the more serious, because you were the representative of a nation having itself a legislature, consisting of deliberative assemblies, tenacious of the perfect freedom of speech of their members, and the Government of which would certainly permit no foreign Minister to interrogate them upon the mere foundation of speeches made by members of Parliament in their places, or of publications made by them through the press."

Mr. Canning then again denied that he had made the application upon the sole ground of Mr. Nelson's speech, and reminded me that he had expressly told me that he should not have noticed it had it stood as a solitary fact.

I replied that he had no right to mention it to me at all as the foundation of debatable questions, but that my objection had reference not alone to his notice of Mr. Nelson's speech. It was equally applicable to his mention of the publication of Mr. Eaton, and to his production this morning of a newspaper to point at a report of a committee of the House of Representatives to that body. He had alleged *no* ground to me for his application on this subject other than acts of individual members of Congress on measures pending in the legislature. What would be thought of an American Minister in England who should presume to call upon the Secretary of State for Foreign Affairs to account for speeches or writings of members and committees of Parliament?

He said he was much mistaken if, in the lately published correspondence respecting the slave-trade, there had not been references by Mr. Rush to speeches and proceedings in Parliament.

"Undoubtedly," said I, "in Mr. Rush's dispatches to his own Government; and we make no question of your right to report to your Government anything said or done in Congress by any of its members."

He said he believed, but would not positively assert, that there had been in the conferences or correspondence between Lord Castlereagh and Mr. Rush some reference to speeches in Parliament.

I said, "Certainly none having the slightest analogy to that which I considered as exceptionable. Mr. Rush may have alluded to something said in Parliament by Lord Castlereagh himself—but not directly, nor to question him concerning it. With regard to the substance of your application, I have seen the President since our yesterday's interview, and now say that, not admitting your right to enquire into the intentions of this Government with regard to an increase of our settlement at the mouth of Columbia River, I shall decline giving any answer to the enquiry; to which I add the renewed request that if you propose to pursue the discussion you would for the future address me concerning it in writing."

Mr. Canning then said he thought it hard to be denied an answer, and hoped, if this was the determination of the American Government, instructions would be sent to Mr. Rush to give explanations on the subject to Lord Castlereagh.

This intimation appeared to me to be improper; but, unwilling to multiply points of contention and to prolong an irksome conversation, I made no reply to it.

He then pressed, indirectly, questions as to the extent of our claims on the shores of the South Sea, till I said to him, "Mr. Canning, I have said and repeated to you more than once that I am not authorized to answer the enquiries which you thought proper to make yesterday, and I have given you the reasons why these answers were declined. After this, I do not expect to be plied with captious questions to obtain indirectly that which has been directly denied."

Mr. Canning, at these words, again became exceedingly irritated, complaining with great warmth of the term "captious" as applied to his questions. He said that whatever answer I might think proper to give to his questions, he thought I had no right to *qualify* them with epithets of censure.

I recurred to expressions of his own, used in the course of these conversations; and particularly yesterday. He said he had used them *defensively;* to which I replied that the only cause I was conscious of having given him for the excitement which he had manifested had been the request that he would address me on the subject in writing; my motive for which had been, that all further conversation between us concerning it must tend to mutual irritation, and could not lead to a satisfactory settlement.

He said it was not so much the matter as the *manner* in which I had spoken, which had hurt him.

I said that he must consider both the matter and the manner as defensive on *my* part; and then again reminded him of the exceptionable character which, in my situation, must attach to *any* questioning by a foreign Minister founded upon the speeches of members of Congress in their places, or upon proceedings pending in that body; and of my duty to repel at the first instant, and in the most decisive manner, any such enquiry. I had, therefore, not only thought proper to demand written communications on this subject, but to show by the manner of the demand that I had not been pleased by his reference to any words spoken, or measures under discussion, in Congress. My opinions and feelings on this incident remained unaltered; but I had no wish to extend the asperity of this difference beyond its immediate occasion. He had until now had the freest access to me at all times. I had always been ready either to converse with him in the unrestrained freedom of private life, or to confer with him as a public Minister, or to receive from him any written communication that he might have occasion to address to me. I wished, notwithstanding what had now happened, to continue with him in other respects on the same terms; and that on all other subjects he would consider himself on the same footing with me as if this had never occurred.

He asked, with a warmth which surprised me, how it was *possible* that he should feel himself on the same terms with me as heretofore? He had immediately after his arrival here assured me that his own inclinations, concurring with his instructions from his Government, were to cultivate the most cordial harmony between our respective nations. He had told me that, on all occasions not involving the rights of his country and the public duties of his station, he should ever wish to show me the deference due to more advanced years; that a few days since he had called at the Department, and had said that he came to have, in familiar language, a *gossiping* conversation with me; that when he called yesterday, he had said, with allusion to that former conversation, that he came as the British Minister, and it was with the intention of giving me notice that his call then was upon business; nothing could exceed his astonishment at the manner in which his application had been received yesterday. And how was it *possible*, he repeated, that he should consider himself on the same terms with me as heretofore?

I here interrupted him, and said, "Mr. Canning, I was observing that I wished you, on all other subjects than this, to consider yourself upon the same terms with me as heretofore; and I now repeat to you the same overture, which was made by me in the spirit of conciliation. If you think it impossible——" He again stopped me, and said that he would accept the proposal; upon which I told him I was well pleased that he should, as it relieved me from the necessity of replying to his remarks on my first making the proposal. They had been of a nature which I could not otherwise have forborne to notice.

Mr. Canning seemed apprehensive that I was about, nevertheless, to tell him what my reply would have been, and *entreated* me to withhold it, which I accordingly did. I then repeated that, after what had passed between us, I was confirmed in the opinion that it would be best to discuss hereafter *this* subject, if it was to be discussed at all, in writing.

He said, hesitatingly, that he did not know that he should have any objection to write me a note on the subject.

I replied that I had yesterday felt myself the more called upon to insist on this, because he had advanced a pretension in which we never could acquiesce, and because it was not the first time it had been raised by a British Minister here.

He asked, with great apparent emotion, who that Minister was. I answered, "Mr. Jackson." "And you got rid of him!" said Mr. Canning, in a tone of violent passion—"and you got rid of him!—and you got rid of him!" This repetition of the same words, always in the same tone, was with pauses of a few seconds between each of them, as if for a reply.

I said, "Sir, my reference to the pretension of Mr. Jackson was not——" Here Mr. Canning interrupted me, by saying, "If you think that by reference to Mr. Jackson I am to be intimidated from the performance of my duty, you will find yourself greatly mistaken."

"I had not, sir," said I, "the most distant intention of intimidating you from the performance of your duty; nor was it with the intention of alluding to any subsequent occurrences of his mission; but——" Mr. Canning interrupted me again, by saying, still in the tone of high exasperation—

"Let me tell you, sir, that your reference to the case of Mr. Jackson is *exceedingly offensive*."

"I do not know," said I, "whether I shall be able to finish what I intended to say, under such continual interruptions."

He intimated by a bow that he would hear me.

"I was observing," said I, "that in referring to the pretension of Mr. Jackson to take offence at a proposal to continue in writing a discussion commenced by oral conference, I had no intention of alluding to any subsequent transactions of Mr. Jackson or to their consequences. My allusion to it was solely because it was identically the same pretension advanced yesterday by you; and I now assigned it as the reason which had made it necessary for me to repel the demand in a manner more than usually pointed. Of the right of every Government to require from foreign Ministers communications in writing upon *any* subject of discussion with them we cannot entertain a moment's doubt, and it was but a few days since that, after a verbal conference between us on another subject, I had requested you to write me a note concerning it, which you did. In this case, the very grounds upon which you avowed that you came to interrogate me concerning the intentions of this Government—speeches and newspaper publications of individual members of Congress—the subject itself, upon which I could not admit your right to interrogate me at all—and the tragical tone with which you charged us with intending a violation of a treaty, convinced me that the tendency of further conversation between us on this topic would only be to high irritation, and not to harmonious adjustment. I am still of the same opinion."

Mr. Canning then recapitulated the assurances which he had on his first arrival here given me, and which he had since then more than once reiterated, of the friendly dispositions of his Government towards that of the United States; of his own earnest desire to cultivate the harmony, and to smooth down all remnants of asperity, between the two countries; of the respect which on all occasions, not involving a dereliction of his official duties, he should always wish to show *personally* to me; and of the deference which he should at all times pay to my *age*. He concluded by adding—

"But I *now* only have to say to you, sir, that henceforth, whatever may happen, I shall never forget the respect due from me *to the American Government*."

I made no reply, but bowed, to signify that I considered the conversation as closed, and he withdrew.

N.B. April 5.—This narrative of two successive conversations with Mr. Canning is copied from a report of them which I committed to writing immediately after they occurred, my diary being then nearly three months in arrear. On recurring to my diary of 24th, 25th, and 26th November, 1817, I find that Mr. Bagot spoke to me twice of the dispatching of the Ontario, and even on the last of those days wrote me a note concerning it, in which he not only asserted a claim on the part of Great Britain to the post at the mouth of the Columbia River, but explicitly denied the obligation of Great Britain by the Treaty of Ghent to restore that post. This note was never answered, for very soon afterwards the British Government gave orders for the formal restoration of the post, and it was restored with solemnity by Captain Hickey to Mr. Prevost. At the negotiation of the Convention of October, 1818, there was no discussion of British claim, but they asserted it as derived from the discoveries of Captain Cook. By the report of that negotiation from Gallatin and Rush, it appears also that they supposed the British Government intended to bring up the discussion of the claim at a future period. The article of the Convention is obviously a waiver of the discussion of the claim for that time. But it will certainly come upon us again, for which I ought to be prepared. Let me remember it.

29th. I was at the President's, and made to him a full verbal report of my conference with Mr. Canning on Saturday. He said he did not think it probable that Canning would be countenanced by his Government; but he might perhaps make a report to them of our conferences, tinctured with the temper which he had shown in them. It would therefore be advisable that I should make a written minute of what passed between us, and keep it for future occasion.

At Mr. Brown's I heard of a very ardent debate in the House of Representatives upon the Missouri question this day; I also met there Mr. Canning, who retained so much of the resentment with which he parted from me on Saturday, that there passed between us a bare salutation. The Columbia River project is so much the subject of conversation at this time that it was touched upon this evening by Gales, one of the editors of the National Intelligencer, in Canning's hearing, Gales knowing nothing of what had passed between Mr. Canning and me. The publication on the 26th, by Mr. Eaton, the Senator from Tennessee, was of a letter from W. D. Robinson to him; but Commodore Porter claims it as a project first suggested by him, and in the National Intelligencer of this day has published a letter from him to President Madison, written in 1815, which, it is asserted, had been seen by Mr. Robinson before he wrote his memoir addressed to Mr. Eaton. There is an editorial remark in the paper of this day that some citizens question the policy of disclosing at *this* time our views upon the western shores of this continent. Canning will probably suspect that this remark comes from an official source, in consequence of his interviews with me.

31st. Drafted a dispatch to R. Rush, enclosing the papers communicated recently to Congress relative to the negotiation for the suppression of the slave-trade, with some remarks; but I did not notice the two interviews in which the Columbia River settlement formed the topic of discussion. For omitting this, I had two reasons; one proceeding from the intimation by Mr. Canning of the wish that Mr. Rush *should* be instructed to give explanations to Lord Castlereagh on the subject. I thought the suggestion from Mr. Canning himself unadvised; and nothing but a disposition to treat him with all possible moderation, and to make allowances for the inflammation of his temper, prevented me from then resenting it. I did not even appear to notice it. But, thinking it highly probable that in his report to his Government he has stated that he did express this wish, I am willing to see how Lord Castlereagh will broach the subject to Mr. Rush, and how he will proceed on discovering that Rush has no information of what has passed between Canning and me, and no instruction to enable him to answer any question concerning our intentions. Rush's caution will prevent him from saying anything which he will not be authorized to say, but his candor will impel him immediately to declare that the subject has not even been mentioned in any of the communications of his Government to him. The extreme reluctance of Canning to any *written* discussion of the subject is one of the many symptoms that the British Government have a wavering, unsteady system on this point. They are anxious to prevent our acquiring a firm footing on the shores of the South Sea, and yet they dare not take a fixed, unequivocal stand against it. Baker's letter to Mr. Monroe, in answer to the first claim for the delivery of the post, conformably to the Treaty of Ghent; Bagot's letter to me of 26th November, 1817; the subsequent order by which Hickey made a formal delivery of the post to Prevost; the lagging and struggling reluctance with which they agreed to the third article of the Convention of October, 1818; the precipitation with which Canning took the alarm here upon Floyd's report and bill, and at the same time his repugnance to discuss the subject in writing, all disclose a policy "willing to wound, and yet afraid to strike."

My second reason for omitting to instruct Rush upon it is, that this course will give us more time. Castlereagh can say nothing about it with a retreat in reserve. Canning's zeal and vehemence have indeed brought the temporizing system of his

Government to an awkward stage. If they support him in the ground he has taken, upon receiving their instructions he must write, and, by founding all the opposition from Great Britain upon proceedings in Congress, must take a bad position for the support of his cause.

February 4th. About one o'clock this morning I was awakened by a noise stirring in the house, and the light in the chamber was so great that I thought it was daylight. After a few minutes my son John opened the door, and said there was a fire in the neighborhood, and he thought it was the War Office. I immediately started from bed, dressed myself, and went out. On coming to the first cross-street and looking in the direction of the fire, it appeared to me decidedly to be the building of the Department of State itself, and I passed two or three of the most distressing minutes of my life. When I got, however, to the end of the street, I found the building of the Department unhurt. The fire was consuming a brick house on the other side of the street, and immediately opposite the eastern end of the public building. There was nothing but the street between them, and there might still be danger to the office. I went to the house of Mr. R. Forrest, and roused him up, to be at hand in case of need. I then went to the building of the Department, where I found Boyd, the watchman. I went immediately to my own chamber, which is at the southeast corner of the building, and was directly opposite to the fire, and remained there till the roof of the house on fire fell in and the flames became so confined with the walls, which remained standing, that the building of the Department was entirely free from danger. I then returned home, between four and five of the morning, and retired again to bed.

5th. I received dispatches from Mr. Gallatin, at Paris, from 19th September to 25th October, relating to the commercial negotiation with France, to the Florida Treaty, and to weights and measures. The French Government have suspended the commercial negotiation at Paris, on the plea that they consider the adjustment of an absurd claim which they have set up under the eighth article of the Louisiana cession Treaty, as indispensably connected with it. And they have appointed

Mr. De Neuville as *Ambassador* to Brazil; but with a power first to come here and conclude, if possible, the commercial negotiation with us. He left Paris to embark in a frigate at Rochefort the first week in November, and, as three months have already elapsed since that time, there would, at any other season of the year, be cause for some anxiety for his safety. But with the unusually rigorous winter which we have had here, there has been its ordinary correspondence of strong and steady westerly winds blowing across the Atlantic Ocean. The same delay occurs to the arrival of the ratification of the Florida Treaty. The fact of the ratification has now been known to us nearly two months. General Vivés has notice that the messenger who brings it left Madrid the 25th of October to embark at Bordeaux, also the first week in November. There is great impatience in the public here for its arrival. But no vessels from Europe have lately come in but after very long passages: one vessel fifty days after soundings on the Grand Bank of Newfoundland; another, thirty days after having been in sight of the Boston light-house. I wait, therefore, with composure; though any accident which should prevent the arrival of the Florida Treaty during the present session of Congress might have very important consequences.

6th. Mr. John Rhea, of Tennessee, called at my house this morning, and spoke of a nephew of his, whom he supposed to be on board of some vessel of the American squadron in the Mediterranean. While he was here, I recollected a summons received two days since from the Secretary of the Treasury to attend a meeting of the Commissioners of the Sinking Fund at the committee-room of the Senate at the Capitol this morning at eleven o'clock. It was then past eleven, and I immediately ordered my carriage, and took Mr. Rhea with me to the Capitol. It was noon when we got there, and Mr. Crawford, who had been some time waiting, was on the point of going away without having the meeting. It was attended only by him and Mr. Gaillard, the President "pro tempore" of the Senate. The usual yearly statements of the Board, which had been prepared by the Register of the Treasury, were read, and the report of the Secretary of the Treasury to the Board. The repayments of public debt during the year 1820 have been about half a million of dollars less than the money borrowed. Two copies of the Report of the Commissioners, one for each House, were signed, and the meeting was over in half an hour.

I went for a few minutes into the hall of the Senate, and, finding them occupied upon business of little public interest, passed into the House of Representatives, where they were debating upon the General Appropriation bill, and particularly upon a motion made by Mr. Clay for an appropriation of an outfit and salary for a minister to any independent Government of South America. This has been Clay's principal instrument of opposition to Mr. Monroe's Administration through the whole of his first Presidential term. He has not succeeded in any part of it; but, as there has always been a portion of popular sentiment in favor of his projects, and as the flouting canvassers in the House are of his side, he has kept the ball up at every one of the four sessions. Towards the close of the last session, he obtained a vote, by a majority of four or five, that such an appropriation ought to be made. He now moved that the appropriation should be made, as an amendment to the general bill. It was opposed principally by Mr. Lowndes. I heard several speeches on the question, pro and con., but the question was not taken.

7th. Albert H. Tracy and Nathaniel Allen, members of the House of Representatives from the State of New York, called this morning at the office, and Mr. Tracy remarked that they had already come there six times before without being able to find me. They came for two purposes. Mr. Tracy showed me a letter from John C. Spencer, at Albany, stating that they had applied to the Marshals of the two districts of New York for copies of their returns of the census not yet made to the Department of State; that one of the Marshals had objected to giving copies unless authorized to do so by the Secretary of State; and Spencer requested Tracy to call upon me and apply for an order to the Marshals to give the copies. I told Mr. Tracy that I had doubts of my own authority to order the Marshals to give copies of their returns to any one; but I would look into the Act of Congress for taking the census, and send him a written answer.

The other object of enquiry to those gentlemen was the reason of the change of one of the newspapers in the State of New York in which the laws of Congress are printed. Mr. Tracy said he had a letter from the publisher of the Ontario Messenger, expressing some uneasiness, rather in sorrow than in anger, that the printing of the laws had been transferred from his paper to another, he having been appointed seven or eight years since, and having been ardent and zealous in the cause of the country during the war with England, and not being conscious of having given any cause of offence to the Government.

I told Mr. Tracy that the cause of the change had been a memorial which I received last summer, signed by a number of the inhabitants of the western part of New York, assigning several reasons, which had appeared to me to be sufficient, for making the change; the chief of which was, that the Batavia Times was a paper better suited by its location for the convenience of that part of the State, as well as a paper of better appearance and of more circulation, than the Ontario Messenger. I showed them the memorial. Tracy said he knew all the subscribers, and they were persons of very respectable character. But he and Allen had some conversation between themselves about one of them whom they supposed to have been the writer of the memorial.

I then observed that the Governor of New York, in his explanatory message to the Legislature in support of a charge which he had previously made against the officers of the General Government, of interfering improperly against him in the State elections, had thought proper to mention this incident of the change of newspapers, and that of the continuance of two others hostile to him, among his proofs. The fact was, that the change had been made not only after the late election was decided, but after Governor Clinton had made his denunciation. The fact also was, that I had always continued the printers of the laws as I found they had been before I came into the Department of State, excepting where there were special reasons for a change. When I came into the office, I found two of the New York papers which printed the laws, friendly to Mr. Clinton, and one opposed to him. I had continued them all till the present year. The Albany Argus, from being the friend, had indeed become the adversary to Mr. Clinton; but if I had dismissed the paper for that reason, it *would* have been the very improper interference in the politics of New York of which Mr. Clinton complained. I had shown them the memorial upon which I had changed the Ontario Messenger for the Batavia Times. But I should be perfectly explicit with them. I had the more readily yielded to the arguments of the memorial, not because the Ontario Messenger had been friendly to Governor Clinton, but because it was invariably bitterly hostile to the Administration of the General Government. The papers that printed the laws were perfectly at liberty to promulgate what political sentiments they pleased; but I felt no obligation to countenance papers whose career was a succession of slanders and invectives upon the Government of the Union.

Tracy was not ashamed to say that he had never remarked that the Ontario Messenger was unfriendly to the General Government; but Allen was a little more ingenuous. He said that since the Missouri question had been agitated there had been some things in the paper against the Administration. They left me, I believe, not well satisfied with the result of their visit. The Ontario Messenger is reputed to be the property of John C. Spencer, or at least is entirely under his influence and that of Gideon Granger. These are devoted partisans of De Witt Clinton, who at least enjoys a distinction belonging to no other man in this Union: he has made himself so completely the object of party controversy that the whole State of New York politically consists of his partisans and of his opponents.

9th. The question was this day taken in the House of Representatives upon Mr. Clay's proposed amendment to the General Appropriation bill, to appropriate for an outfit and a year's salary for a Minister Plenipotentiary to any of the South American Governments; which was rejected by a vote of eighty-six to seventy-nine.

10th. General Vivés, the Spanish Minister, came and informed me that Mr. De Barros had just arrived with the Florida Treaty ratified by the King of Spain. He said he had been so anxious to give me the first notice of this event himself that he had not even waited to open his dispatches, but had hastened here without losing one moment of time. I was much gratified with this mark of attention from the General, and made him my acknowledgments for it. He said he would make me a communication on Monday. Barros came in the Rapid, from Bordeaux, for Philadelphia, and landed from the vessel at Wilmington, Delaware. He had a passage of eighty-eight days. I called at the President's and informed him of the arrival of the treaty—an occurrence which gave him great satisfaction.

11th. We had a small party, consisting of C. J. Ingersoll, N. Biddle, J. Sergeant, and W. S. Smith, to dine with us, and much conversation upon the merits of Kean, the English tragedian, who is now performing at Philadelphia. He is the popular favorite of the day in England; but he is of that class of actors described by Hamlet as "tearing a passion to tatters." His vice is exaggeration; and it is the vice of almost all the literature of the age. I have never seen upon the English stage a male performer of the highest order; none to compare with what I conceive Garrick to have been; none to compare with what I have seen performed by Mrs. Siddons, Mrs. Jordan, and Miss Farren in female parts. I have seen no more powerful actor than Kean in England; yet in his delineations of character I cannot divest myself of the impression produced by the likeness of a caricature. He is a mannerist, and there is, consequently, great opposition of opinion upon his style of acting: those who like it are enthusiastic in their admiration, those who dislike it are disgusted with the actor. There is no neutrality concerning him. But, however questionable his talents may otherwise be, there is no doubt that he has that of drawing crowded houses. Kean arrived from England last November at New York, where he performed several times, and is now going through an engagement at Philadelphia.

We had also some talk upon the business now before Congress. The House of Representatives, after rejecting various propositions concerning the admission of Missouri, at last, on the motion of Mr. Clay, appointed a committee of thirteen members to consider and report upon the resolution passed by the Senate for her admission. This committee yesterday reported the resolution from the Senate with an amendment. Mr. Clay also brought forward yesterday a new proposition concerning South America—a declaration that the House take a deep interest in the success of the Independent cause, and will support the President whenever he shall think proper to recognize the independence of any of the South American provinces. This resolution he carried; and it was ingeniously adapted to its only object, which was that of covering his defeat of the preceding day.

12th. General Vivés, the Spanish Minister, this morning, by note, requested an interview with me, and I answered him by fixing one o'clock for the purpose. He accordingly then came, and delivered to me the Treaty of 22d February, 1819, ratified by the King of Spain, which he declared he was ready to exchange with me for the ratification of the United States. He added that in delivering this ratification to me he was instructed by his Government to state that the Cortes, upon receiving from the King the communication of the treaty, had observed with great mortification and pain that, besides the alienation of valuable provinces of the Spanish monarchy, of which it required their sanction, the Spanish negotiator of the treaty had left altogether unprovided for and had renounced all the just claims of Spanish subjects upon the United States for which indemnity had been stipulated by the Convention of 1802; that with regard to the question which had arisen relating to the grants of lands made by the King prior to the time specified in the eighth article of the treaty, the 24th of January, 1818, as it appeared to have arisen from a misapprehension between the negotiators of the treaty, it seemed to the Cortes that such adjustment of it was equitably due to Spain as was usual in *doubtful* cases—namely, that the *property* of the lands in the ceded Territories should be divided equally between the two parties; that in presenting the treaty with the ratification, he was instructed to make these observations, with the request that they might be submitted to the consideration of the President of the United

States, with the hope that he would see in the proceedings of the Spanish Government the earnestness of their desire to consummate the adjustment of all the differences between the two countries; and he was instructed to add that as by the recent changes in the Government of Spain the principles of government upon which the Constitutions of the two nations are founded were analogous, it was hoped that this ratification would be received as an earnest of the desire of Spain that the ties of intercourse and the political relations between them might be drawn together in the closest harmony.

I answered him that I should forthwith make report to the President of the communication of the treaty as ratified by the Government of Spain; that this ratification, having been given after the expiration of the six months stipulated by one of the articles as the term within which the ratifications should be exchanged, would be submitted to the Senate of the United States for their advice and consent, to receive it in exchange for the ratification of the United States heretofore given; that if this sanction of the Senate should be granted, I should give him notice of my readiness to exchange the ratifications with him; that I should also report to the President the observations which, by order of his Government, he had now made to me; that I was well assured he would receive with great satisfaction the assent of the Cortes to the ratification of the treaty, as an evidence of their disposition to cultivate and cherish the friendly and harmonious intercourse between the two countries —a disposition which, on the part of the President, would meet with the most cordial return; that with regard to the unfavorable opinion which he had been instructed to say the Cortes had entertained of the treaty as it affected the interests of Spain, I should now only take the liberty to observe that it had always been considered by the President as a fair and liberal adjustment of the differences between the two countries, and in which full justice had been done to the interests of Spain; that if the claims of Spanish subjects upon the United States provided for by the Convention of 1802 had been abandoned, the amount of the claims of citizens of the United States upon the Government of Spain was much greater than the sum which the United States had consented to accept for the remuneration of them; that in all arrangements of this nature mutual concession was an indispensable ingredient, and that in this treaty we believed there had been on the part of the United States not less of this concession than on the part of Spain; that with respect to the grants of land, I was happy to be relieved from the necessity of re-entering upon a painful discussion, which had already been entirely exhausted; that as the total nullity of the grants asserted by Mr. Onis, before the signature of the treaty, was now confirmed by the solemn sanction of the Cortes, I hoped it would be unnecessary for me to show that there had been no misapprehension by him concerning it; that we had been informed Mr. Onis had published in Spain a book or a pamphlet giving an account of his mission to this country, and particularly of that negotiation; that I had not seen it, but, from what I had heard of it, Mr. Onis, though he had been far from doing justice to the American Government, had nevertheless admitted that he signed the treaty with the full understanding that all the grants in question were null and void under it, and had insisted with great force that the treaty even thus made was in the highest degree advantageous to Spain; that as the Minister of Foreign Affairs, Mr. Perez de Castro, had urged, in an official note to Mr. Forsyth, all that the Cortes had wished should be said by the Spanish Government on this subject, and had been answered by Mr. Forsyth, I presumed there would be no occasion for a further discussion of it here; that, at all events, no new disposition of the lands, nor any other alteration of the treaty, could possibly be made without another negotiation and another treaty.

He said that for that he had neither instructions nor authority; on the contrary, his orders were merely to submit the observations which he had made to me, and to present the ratification of the treaty, which contained, as had been desired by the American Government, an express declaration of the annulment of the grants; that he did not even think it necessary to commit these observations to writing, but, as there had been intimations abroad as if the Spanish Government were insidiously intending to protract the conclusion of this negotiation, he had now brought the ratified treaty with him, and would be at any time ready to receive our ratification in return; he had also received the royal order to the Governor and Captain-General of the island of Cuba for the delivery of the ceded Territories; that it was true Mr. Onis, with a view to defend himself from the imputation of having yielded too much in the treaty, had published an account of the negotiation, of which he (General Vivés) spoke with regret; he had not received a copy of it, but he had heard, with concern, of its contents [I understood him as intending by these remarks to express his concern at the acrimonious manner in which Onis is said to have made mention in his book of the members of the American Government]; that if he should receive a copy of it he would communicate it to me. He added that immediately after the exchange of the ratifications he should be ready to take every measure necessary for transmitting the order to the Governor-General of Cuba for the delivery of the province of Florida, conformably tô the terms of the treaty.

He then took leave, and withdrew, leaving the treaty, with the Spanish ratification, at the office in my possession. I went immediately over to the President's, and informed him of this communication from General Vivés. He desired me to prepare the draft of a message to the Senate for their advice and consent to the exchange of the ratifications. There was some question as to the form of the message—whether it would be proper to propose a new ratification by the Senate, or simply their advice and consent to receive the Spanish ratification in exchange for the ratification of the United States, heretofore given. I thought the latter to be the proper and consistent form, and so the President directed it should be. Vivés had told me that he had been furnished with authentic copies of the grants to Alagon, Puñon Rostro, and Vargas, and, as they are expressly referred to and declared null and void by the Spanish ratification, I thought it would be best to publish them with the treaty, and, with the sanction of the President, determined to send to Vivés for them. The President requested me also to draw up a written statement of what had passed between Vivés and me at our interview this day, to be communicated with the other papers to the Senate.

The President also put into my hands a long written memorial to him, which R. W. Meade had delivered to him this morning, and which he said he had not had time to read. On reading it, I found it was nothing less than an attempt to set up a claim that if the Senate should now ratify the treaty they would make it conditional that the whole of a claim of more than half a million of dollars of Meade's upon the Spanish Government should be paid, as liquidated long since the signature of the treaty, or that a particular renunciation of claim in one of the articles should be excepted from the ratification; or that they should declare the United States to have assumed the whole amount of his claim. Gales, the editor of the National Intelligencer, had hinted to me some days since that Meade was intriguing mischievously among the members of the Senate against the treaty; but this memorial is a *mine* sprung upon it at the last moment. Meade had never made a shadow of a claim like this, and now, instead of presenting it directly in a memorial to the Senate, or in regular form to the President, through the Department of State, addresses and delivers it to the President in person. There was something very insidious in this course of proceeding. There were statements in the memorial relative to myself not founded in fact. By addressing it directly to the President, it appeared to be drawn up with a view to take post for complaint against him if he should not communicate it to the Senate before they should act upon the treaty; and if he did communicate it, that it should be without any corrective of its misstatements. There was malice and treachery in the transaction, as well as intrigue and cupidity. After a cursory reading of the paper, I told the President that I thought it should be communicated to the Senate with the treaty; but that it must not go without a comment. If he would refer it to me, I would make a formal, though it must be a very hasty and short report upon it to him, which he might communicate with it to the Senate. To this the President assented.

I took the papers home, and was occupied till midnight upon them. I prepared drafts of two messages to the Senate, one to communicate the treaty, and the other Meade's memorial.

On examining this, I found it contained, with some bold misstatements of facts, a subtle and delusive comment upon them, with a very elaborate and plausible argument upon principles of general and national law, which it insisted was applicable to the case. I saw there was no time for a regular answer to this argument, nor even to examine and canvass the principles which were referred to as authorities from the writers on the law of nations. I wrote, therefore, without consulting a single book, a report to the President, directly contradicting the falsehoods alleged in the memorial as facts, and barely glancing at the particular point of the argument where its fallacy was lurking, referring explicitly to the intelligence of the Senate of the United States for its entire detection. I postponed till the morning the drawing up the memorandum of the conference between General Vivés and me.

13th. Mr. Roth called at my house this morning, and informed me that Mr. Hyde de Neuville, who during his visit to France has been made a Baron, had arrived at Norfolk with his family in the French frigate the Tern. As I was afterwards going to the President's, I met Mr. Poletica, who told me he was on his way to call upon Mr. De Neuville, who had just arrived in the steamboat from Norfolk. Mr. Thierry came in the course of the day to enquire if I could receive him, which I answered that I should be happy to do immediately. He came, and informed me that in consequence of certain difficulties which had arisen in the negotiation concerning the commercial relations between France and the United States, with which Mr. Gallatin had been charged, the French Government had concluded that the arrangement might be facilitated by transferring it to this place. It had, therefore, been committed to him, and in the short time he was to remain here (having a further destination elsewhere) he hoped we might agree upon terms which would restore the interrupted commercial intercourse between the two countries.

I answered him in general terms, expressive of the satisfaction with which his return to this country would be welcomed by the President; of our own earnest desire to settle upon principles of reciprocity our commercial relations with France, and of my own personal gratification in having the opportunity to discuss them with him, whose conciliatory dispositions towards the United States so well corresponded with ours towards France.

He requested me to take the President's directions as to the time when he would receive him, and when he might present to him the persons attached to his Legation, and enquired whether he should write me a note to ask a conference with me on the subject of his mission. I desired him to write a line to ask the audience of the President, but told him I myself should be happy to receive him and confer with him at any time without giving him the trouble to ask it in writing.

He spoke of the seizure of the French ship Apollon, Captain Edou, seized last summer at St. Mary's, in Georgia; a case with the particulars of which, he said, he was not acquainted. The information of it had reached Paris after he left that city, and had come to his knowledge only the day before he sailed. Mr. Roth had spoken to him of it here, and, from the representations which he had received of it, there seemed to be circumstances of aggravation attending it.

I said that the vessel was under seizure for a violation of our revenue laws, and the case was before the competent Court for trial; that I had not pursued the correspondence on the subject with Mr. Roth, because by the communications relating to it, received from him, I found his zeal had in it so much of heat that I had preferred communicating with the French Government concerning it through Mr. Gallatin. I had sent him instructions to give all the necessary explanations, and transmitted to him proofs of a conspiracy for defrauding the laws and revenue of the United States between this Captain Edou, a Spanish Vice-Consul at St. Mary's, and the Governor of St. Augustine, Coppinger. I would communicate these papers to him; and as by the cession of Florida to the United States, now ratified by the King of Spain, no future case of the same kind could arise, I trusted we should find no difficulty in settling this affair to mutual satisfaction.

He repeated that he knew nothing of the particulars, but said it had been even represented to him as if the honor of the French flag had been lightly treated.

I said he might be sure there was no such intention; and observed that there could have been no possible motive in the officers concerned in the seizure to insult the French flag.

He seemed sensible that he was under some irritation, and waived the subject, saying that he would make further enquiry into the facts, and would duly consider the documents that I offered to show him. He soon after took leave.

With this new thread to unravel, I was no less occupied with that of the Florida Treaty. The message communicating it, and that to be sent with Meade's memorial, were signed by the President. The memorandum of my correspondence yesterday with General Vivés was copied, and the dispatches from Mr. Forsyth relating to the Spanish ratification were selected. I read to the President my report to him upon Meade's memorial, which he approved. But I felt great anxiety concerning it, not only as going in the nature of a controversial document to the Senate, but as having undoubtedly to come hereafter before the public, and committing the Government to the assertion of certain principles which will be much debated.

After the paper was copied, I sent to the offices of the Secretaries of War and the Navy, requesting them to meet me at the President's. Mr. Calhoun had already left his office, but I found Mr. Thompson at the President's. At my request, he read the report, and found nothing in it but what he thought maintainable and correct in principle. It was therefore sent to the Senate with the messages; but that body had adjourned before Lieutenant Monroe reached the Capitol with them. They will be delivered to the Senate to-morrow morning.

Yesterday the House of Representatives rejected the report of their committee of thirteen; and the resolution which had passed the Senate for the admission of Missouri. This day, after a reconsideration upon motion of a member who had voted with the majority rejecting the resolution of yesterday, the question was again taken upon the resolution for admission from the Senate, and it was again rejected, by a vote of eighty-six to eighty. This day also the report of a joint committee of both

Houses was made with regard to the manner of counting the votes of the Presidential election to-morrow. And, as it is expected that objection will be made to receiving the votes of Missouri, a resolution is proposed that in such case the result of the election shall be announced in alternative, so as to avoid the question upon the reception of the votes.

14th. I attended an evening party at Mr. Brown's, the Senator from Louisiana. Mrs. Adams, being unwell, could not go. There was much conversation upon the proceedings in the House of Representatives, which were said to have been extremely violent and disorderly. The two Houses met in convention to open the electoral votes, and to declare the persons chosen as President and Vice-President for the four years ensuing the 3d of March next. They met in the hall of the House of Representatives, and proceeded in regular form according to the mode prescribed by the Constitution of the United States, the law of 1st March, 1792, that of 26th March, 1804, and the joint resolution reported by the committee of the two Houses (which had, however, been accepted by the House of Representatives only this morning, after sharp debate, and twice taking of yeas and nays), till the votes of Missouri came to be counted; when Arthur Livermore, a member from New Hampshire, rose, and objected to the counting of the votes of Missouri, because Missouri is not a State of this Union. Immediately John Randolph and John Floyd, both members from Virginia, started up together and began to speak. John Williams, a Senator from Tennessee, then moved that the Senate should withdraw to their own chamber, which they did; a measure well devised to defeat the impetuosity of the unruly members of the House.

The House then became exceedingly tumultuous. Floyd, in the face of the resolution adopted upon the report of the joint committee by a large majority of the House, moved that Missouri *is* one of the States of this Union, and that her votes ought to be received and counted. After much disturbance and confusion, Clay got rid of this resolution by moving that it should lie on the table; and then moving that a message be sent to the Senate informing them that the House were *now* ready to proceed in continuing the enumeration of the electoral votes, according to the joint resolution. The Senate accordingly returned; the votes of Missouri were counted, and the result was declared by the President of the Senate in the alternative: that if the votes of Missouri were counted there would be two hundred and thirty-one votes for James Monroe as President, and two hundred and eighteen votes for Daniel D. Tompkins as Vice-President, and if not counted, that there would be two hundred and twenty-eight votes for James Monroe as President, and two hundred and fifteen for Daniel D. Tompkins as Vice-President; but that in either event they were both elected to their respective offices. He therefore declared them to be so elected.

The two Houses then separated, and the Senate again returned to their chamber; upon which Randolph moved in the House two resolutions: one, that the electoral votes had been counted of the State of Missouri and formed a part of the majorities by which the President and Vice-President had been elected; and the other, that the result of the election had not been declared by the presiding officer conformably to the Constitution and the law, and therefore that the whole proceedings had been irregular and illegal.

This motion, after a very disorderly debate, was disposed of by a motion, which was carried, to adjourn. Floyd and Randolph were for bringing Missouri into the Union by storm, and for bullying the majority of the House into a minority. The only result produced by them was disorder and tumult. Clay, who has infinitely more pliability, *dodged* the question, and succeeded in making both Houses of Congress *dodge* it with him. But among the means of his success was one of those disingenuous tricks by which he carried the Missouri question last winter. Then it was by superseding, as Speaker, a motion of John Randolph to reconsider a vote of the preceding day, on a point of order, to give time for the reading of the journal, and directing the Clerk in that interval to carry the resolution, passed the preceding day, to the Senate, so that when, after the reading of the journal, Randolph renewed his motion to reconsider, it could not be received, the resolution being no longer in possession of the House. This day it was by reporting to the House the resolution from the joint committee of both Houses, for the proceedings on the Presidential election, differently from what it had been agreed to in the committee and adopted by the Senate. The real resolution was, that at the joint meeting "the President of the Senate should be the presiding officer." Clay, of his own head, altered the report of the joint resolution of the House to read, "The President of the Senate shall be the presiding officer of the Senate, seated on the right of the Speaker of the House, who shall be the presiding officer of the House," and so the resolution passed the House. It neither did nor could have so passed the Senate. But this was Clay's expedient of *dodging* that question of collision between the two Houses with regard to the presiding officer. And it is one of the pregnant evidences of Clay's overbearing influence that this unprincipled fraud, although discovered and noticed in the House, was neither censured there nor resented by the Senate.

Floyd and Randolph continued to interrupt the proceedings even after the Senate came the second time into joint meeting, but Clay, by mere dint of superior influence with his own, which was also their party, finally baffled them and put them down. The business of the day was accomplished. The President and Vice-President of the ensuing Presidential term were declared; but if the election had been a contested one, and the reception or rejection of the Missouri votes could have turned the scale, I think there would have been no declaration of a President and Vice-President before the 4th of March, and the whole Union would have been unhinged.

This was the ninth Presidential election since the existence of the present Constitution of the United States, and is already the second instance of a crisis in the election. On the former occasion it happened at the very tug of conflict between two national parties for the mastery. Now it happened at an era far more extraordinary—when that party conflict had performed its entire revolution, and that unanimity of choice which began with George Washington had come round again in the person of James Monroe. In the survey of our national history, this latter unanimity is much more remarkable than the first. To this last unanimity there is the exception of a single vote, given by William Plumer, of New Hampshire, and that vote, to my surprise and mortification, was for me. If there was an electoral vote in the Union which I thought sure for Mr. Monroe, it was that of Mr. Plumer. I deeply regretted the loss of Mr. Plumer's vote, because it implied his disapprobation of the principles of the Administration, and although by giving the vote for me he obviously exempted my share in the Administration from any essential portion of the censure, I could take no pleasure in that approbation which, though bestowed on me, was denied to the whole Administration. My earnest desire has been that the Administration should be prosperous and satisfactory to the nation, and in this no consideration relative to myself has entered, other than an anxiety to discharge faithfully my own portion of the public duty. The conduct of the Administration has been, upon the whole, wise, honest, and patriotic; and it has been blessed with good fortune for which I can never be sufficiently grateful. Its great trials, however, are reserved for its ensuing term of four years. Its dangers are in its internal divisions, which have been hitherto partly disguised and concealed, and which a happy current of events has overborne. They are now becoming manifest, and assuming a formidable aspect. May an overruling Providence turn them eventually to the welfare of the country and the improvement of public happiness and virtue!

The messages from the President, with the Spanish ratification of the Florida Treaty, and with Meade's memorial and my report upon it, were received by the Senate this morning. Meade, in the mean time, had printed his memorial, with alterations from that which he had presented to the President, and with an appendage of citations from writers on the laws of nations, and distributed copies to every member of the Senate. He also sent several copies of the printed memorial to the President, and one to the Department of State, with a letter noticing the corrections made in it of the manuscript memorial.

15th. At one o'clock I presented to the President the Baron Hyde de Neuville, Envoy Extraordinary and Minister Plenipotentiary from France, on his return to the United States. He was accompanied by the late Chargé d'Affaires, Mr. Roth, and he presented to the President the Chevalier De Mun, Secretary of the Embassy of France to Brazil, which is the Baron's future destination; Mr. D'Aspremont, attached to the same Embassy, Mr. De Bresson, attached to the Legation in the United States, and Mr. Hersant, the Baron's private Secretary. He addressed the President in a short, personally complimentary speech, expressive of the King his master's great friendship for the United States, and his particular regard for the President himself. He assured him of the peculiar satisfaction with which the King at the time anticipated as certain the event now consummated by the wisdom and gratitude of the people of this Union, whose unanimity in the re-election of their Chief Magistrate was not only a just testimonial of the sense which they entertained of his public services, but a sentiment in which the suffrages of all foreign nations concurred with theirs. He was expressly charged by the King to assure the President of the satisfaction which he took in this event, and he (the Baron himself) felt a peculiar gratification in the hope that the moment of his return to this country, signalized by this harmony and universal confidence of the American nation in their Government, would be no less propitious to the good understanding and cordial friendship between the United States and France, which it was the most imperious of his duties and the dearest of his inclinations to promote.

The President answered this speech with simplicity and propriety, without noticing any of its personal allusions to himself or to the election. He said that the American nation and Government retained a sentiment of peculiar regard and attachment to those of France; that we remembered with grateful feelings the assistance which we had received from France and from Louis the Sixteenth; that we had always taken an interest of kindness in the events affecting the welfare and happiness of France since that time; that we should continue to take such an interest, and should always be gratified in hearing of her prosperity; that we welcomed with much pleasure his return to this country, and had heard with satisfaction of the new tokens of confidence bestowed upon him by his sovereign; and that, our earnest desire being to cultivate the friendship of France, we hoped that the relations between the two countries would be adjusted to the mutual satisfaction of both. And he then passed to enquiries concerning his voyage and his family.

The audience was not of more than ten minutes' duration. As he went away, the Baron asked me to appoint a time when I would receive him for a conversation upon business; and I fixed to-morrow at one o'clock.

16th. William A. Burwell, a member of the House of Representatives from Virginia, died this morning. He had been once for a short time private Secretary to Mr. Jefferson during his Presidency, and soon after was elected member of Congress, when little beyond the age necessary for qualification. He was always re-elected, and has been fourteen years a member. He was a man of moderate talents and respectable private character, full of Virginian principles and prejudices, a mixture of wisdom and Quixotism, which has done some good and much mischief to the Union. Burwell took no lead in anything. He scarcely ever spoke; never originated a measure of any public utility, but fancied himself a guardian of the liberties of the people against Executive encroachments. His delight was the consciousness of his own independence, and he thought it heroic virtue to ask no favors. He therefore never associated with any members of the Executive, and would have shuddered at the thought of going to the drawing-room. Jealousy of State rights and jealousy of the Executive were the two pillars of Burwell's political fabric, because they are the prevailing popular doctrines in Virginia. He floated down the stream of time with the current, and always had the satisfaction of being in his own eyes a pure and incorruptible patriot. Virginia teems with this brood more than any other State in the Union, and they are far from being the worst men among us. Such men occasionally render service to the nation by preventing harm; but they are quite as apt to prevent good, and they never do any. Mr. Burwell was much esteemed as a man; and Mr. Preston, heretofore Governor of Virginia, who called at my house this morning, spoke of him with great respect and tenderness.

The Baron de Neuville came to the office at one o'clock, and brought with him his full power to treat upon the commercial relations between France and the United States. I desired him to send me a copy of it, and told him the President would doubtless authorize by a corresponding full power some person or persons to negotiate with him. We entered little into conversation upon the subjects of the negotiation. He said that the reason for which his Government had sent him here was, that Mr. Gallatin had received no instructions relating to the claim of France under the eighth article of the Louisiana cession Treaty; that they were specially desirous of having an answer to his letter on the subject to me of June, 1818; that if the American Government assented to the views presented in his letter, there would be no need of further discussion concerning it. If they did not, the reasons would be assigned for their dissent, and it would not be difficult to come to an understanding upon it. France was not tenacious of the thing itself, and would show an accommodating spirit in the negotiation. When he left France, he had supposed that this would be the only difficulty in the way of an arrangement; but with these cases of the Apollon and Eugenie he did not know what to do.

I told him that I should at an early day give him the answer on the Louisiana cession claim; that the cases of the Apollon and Eugenie could not form any serious obstacle to our agreement. They were cases which could not again recur. Mr. Gallatin had been instructed to give his Government all necessary explanations relating to them; and if he felt any repugnance in proceeding to treat of the other points, we might suspend our conferences until we should hear further from France, as there was no prospect that we should be able to conclude any convention before the close of the present session of Congress.

He said he hoped we might. It seemed to him the easiest thing in the world.

I told him I heartily wished it might prove so, but the ideas of the two Governments on the points of difference between them were so wide apart, that I dared not even indulge a hope that they could so easily be brought together.

He said they might begin by repealing on both sides the new and burdensome regulations—the law of 15th May, and the King's ordinance of 26th July last.

That, I told him, was impossible; it would only put us in the same condition which rendered the law of 15th May necessary. However, any proposals which he should be disposed to make would be received with the most friendly attention by the President.

He then left me, and soon after sent me a copy of his full power, which I took to the President. He directed me to have a power made out for myself for the negotiation.

19th. Mr. Torres came to renew the demand for the acknowledgment of the Colombian republic. He is about returning to Philadelphia, and his visit now was instigated by the resolution which the persevering importunity of Mr. Clay obtained from the House of Representatives—a resolution sufficiently illustrated by the refusal of the same House the day before to make the appropriation for which he had moved.

I asked Torres if he had any new instructions to demand this recognition. He said he had not. I then told him that I would communicate his demand to the President, but it would be proper for him to address me a note concerning it in writing. And, as it was made without new instructions, the President would probably wait for the result of the negotiation which followed the recent armistice between President Bolivar and General Morillo. It was to be hoped that Spain herself in the issue of that negotiation would recognize the independence of Colombia, and it might then be recognized by other powers without their giving cause of complaint to Spain.

Torres renewed also his demand for a supply of muskets upon loan; but I told him that besides the objections heretofore stated to him against it—first, that it was not in the power of the Executive to yield it without an Act of Congress, and, secondly, that it would be a breach of neutrality—there was every reason now to expect the muskets would not be wanted; for since the new changes of Government in Spain, it could scarcely be doubted that this armistice would be followed by a permanent pacification.

Torres said he did not know how that might be, but, as his orders were to ask for muskets, he must always have it in his power to tell them that he did ask for them. With this intimation that the motive of his present application was merely to enable him to make a dispatch, he left me.

Mr. Fuller and Colonel Harris were also at the office—both concerning the appointment of a Marshal for the District of Massachusetts. Mr. R. Forrest came and told me that Mr. R. W. Meade had spoken to him in the street, and said he had been told by a member of the Senate that I had made a report to that body against his memorial, and that he seemed to think it extraordinary that a copy of it had not been communicated to him.

I told Forrest that I had no objection to Meade's having a copy of the report; but Meade had addressed his memorial, not to the Department of State, nor through the Department to the President. He had gone with the memorial directly to the President, without giving notice of it to the Department. The President had referred it to me for a report, which I had made to him in the discharge of my duty; but it had been no part of my duty to furnish Meade a copy of it.

I was at the President's when Gales, the editor of the National Intelligencer, came in and announced that the vote advising the ratification of the Florida Treaty had just passed in the Senate, with only four dissenting voices, and he was exceedingly anxious to have a copy of the treaty to publish in his paper to-morrow.

I told him that would be impossible, for the ratifications would scarcely be exchanged to-morrow, and when exchanged, two copies must be made out, with a proclamation of the President, to be communicated to the two Houses of Congress, all which would take two or three days; but that there would be nothing new to the public in the treaty, which had already been communicated to Congress, and published with the Congressional documents last year. And from them it had been republished in the National Intelligencer itself, and many other newspapers.

Gales said this had escaped his recollection, and declared himself satisfied. While I was with the President, Mr. Charles Cutts, the Secretary of the Senate, came in with their resolution advising to the ratification, but drawn up in a special form, differing from that which had been presented as the question in the message from the President. The treaty had been ratified by and with the advice and consent of the Senate on the 24th February; but the last article stipulated that the ratifications should be given on both sides and exchanged within six months from the date. As the King of Spain withheld his ratification beyond that period, the United States were no longer bound to accept it after the expiration of the time, and when it was ratified the question arose, whether the tardy ratification should be accepted by us. By the letter of the Constitution it was perhaps not necessary to submit this question to the Senate; but the disposition of the President is to consult them whenever there is any plausible Constitutional motive for so doing; and I was especially desirous that the sense of the Senate should again be deliberately taken upon the merits of the treaty, because a continued systematic and laborious effort has been making by Mr. Clay and his partisans to make it unpopular. In the pursuit of this project, resolutions against the treaty had been introduced into the Legislatures of Kentucky and of Louisiana, and the Western newspapers have been indefatigably filled with essays and dissertations to the same effect. Among the rest, T. B. Robertson, Governor of Louisiana, one of Clay's puppets, made an attack upon the treaty in his speech to the Legislature. After two years of this work, I was glad to see how the Senate would vote upon the treaty when brought before them again. But the question in the President's message was for their advice and consent to receive the Spanish ratification in exchange for that of the United States, heretofore given. From mere inattention to the form of the question in the message, and not from any objection to it, they took the other course, of an advice and consent to a second ratification of the treaty. And against this there were only four votes—Brown, of Louisiana, who married a sister of Clay's wife; Richard M. Johnson, of Kentucky, against his own better judgment, from mere political subserviency to Clay; Williams, of Tennessee, from party impulses, connected with hatred of General Jackson; and Trimble, of Ohio, for some maggot in the brain, the cause of which I do not yet perfectly know. At the ratification of the treaty two years ago there was no formal opposition made; but the real opposition was greater to it than now. On this event I will not attempt to describe my feelings.

20th. There was a meeting of the members of the Administration at the President's. The subjects to be considered were, the proceedings to be adopted after the ratification of the Florida Treaty, and the course to be pursued in regard to the negotiation with France. At the former ratification of the treaty there was an Act of Congress authorizing the President to take possession of the Territory, and to make arrangements for its government until the end of the then next session of Congress. The Act was contingent, to take effect on the exchange of the ratifications. But its operation was limited to a time now past, and another Act has now become necessary. Copies of the treaty must, therefore, be communicated to both Houses of Congress; with the proclamation of the President declaring it to be the law of the land. The drafts of a ratification and of a proclamation are to be made. The appropriation must be larger than that of the former Act.

The President thought it would be advisable to have the draft of an Act prepared. But I reminded him of the invidious comment of Mr. Clay, two years ago, because Mr. Holmes, the Chairman then of the Committee on Foreign Affairs, had merely consulted me upon the drawing up of the Act, and the petty satisfaction he had obtained, of reducing the appropriation from thirty to twenty thousand dollars, by a sneer at Holmes for proposing a sum at the instigation of an Executive officer. As the same spirit would be very likely to show itself again on this occasion, I advised that the committee of the House should be left to themselves for drafting their Act.

There was some consideration of the appointments of Commissioners for the adjustment of the claims. The candidates are numerous, and their pretensions various. They were variously canvassed, and finally the President desired me to have a list made out of all the applications that have been made for office in Florida, or under the treaty, with the names of all the persons recommending them, to be considered hereafter.

As to the negotiation with Mr. De Neuville, the question now chiefly discussed was, whether we could agree to any arrangement of the navigating question, by admitting that American vessels should be more heavily burdened with discriminating duties in France than French vessels in the United States. We had hitherto explicitly rejected every proposal for such a basis; but Mr. Crawford now declared himself in favor of agreeing to it, and, to my astonishment, said that he had been against the French Tonnage Act of 15th May, 1820.

Calhoun was not less astonished at this declaration than myself. For if Crawford had objected to that Act it would not have passed. He never at any of the Executive meetings gave the most distant insinuation of having any objection to it. His opposition was, therefore, behind the curtain; just as it was in the whole affair of the Seminole War and General Jackson. Mr. Calhoun was earnest against the admission of a discriminating principle avowedly unfavorable to ourselves, and I was thus inclined also. The President is for considering the subject further. Wirt was not present at this meeting, being engaged in attendance at the Supreme Court.

21st. General Dearborn told me that he had taken advantage of a season of comparative leisure, when there was not much to do in his office, to pay a visit to the city. He did not tell me the particular motive for his visit, but I supposed he had been informed that there was prowling here to supplant him in his office, and that it would be well for him to come and take care of his own concerns. Eustis has republican principle enough to admire rotation in office, and patriotism enough to be willing to serve his country as Collector of the Customs at Boston. Dearborn is equally patriotic, but not just now so much an admirer of rotation. This principle is, indeed, more congenial to republicans out of than to those in office.

Mr. Ruggles's visit was merely to introduce Mr. Lilliman. General Vivés was at the office, and I agreed with him upon the arrangements for exchanging the ratifications of the treaty to-morrow. We agreed to use the same form of certificate of the exchange which had been used by me and Mr. Onis on exchanging the ratifications of the Convention of August, 1802; and to execute three copies of these certificates in each language, two of the Spanish and one English copy to be taken by General Vivés, and two of the English and one Spanish copy to be retained at the Department of State. The form in which the Senate advised the ratification of the treaty rendered it necessary to make a new copy of the very treaty itself, to be delivered to General Vivés, the copies made with the former ratification being now useless. I prepared a draft of the ratification to be signed by the President, and a draft of the proclamation of the President to be prefixed to the publication of the treaty; also a draft of a message from the President to both Houses of Congress, communicating the treaty to them as ratified and proclaimed.

This drafting and copying, though merely matter of form, gives anxious occupation when so much depends upon unerring exactness, especially in several copies, hastily made, of papers in a foreign language. One of the three originals of the treaty executed by me and Onis was sent to the printers, to be printed from, for the copies with the proclamation; and I directed the examination of all the Spanish parts of the manuscript and printed copies to be made by Mr. Moses Young and Mr. Ironside, the two persons in the Department most conversant with the Spanish language.

22d. Ratifications of the Florida Treaty exchanged. General Vivés came, according to appointment, at one o'clock, to the office of the Department of State, with Mr. Salmon, his Secretary of Legation. Our preparations were not entirely completed when he came, but were ready within half an hour. I then took the treaty with the King of Spain's ratification myself; the General took the treaty with the President's ratification; Mr. Ironside held one of the originals executed by me and Mr. Onis, and Mr. Salmon another. Mr. Brent held the printed copy with the President's proclamation. Mr. Salmon read, from the original in his hand, the treaty, all the rest comparing their respective copies as he proceeded. I read in like manner the English, from the treaty which we retain with the Spanish ratification. Both the ratifications were then examined and found correct. The triplicate certificates of the exchange were then signed and sealed, observing the alternative precedence of signature, as had been done with Mr. Onis. General Vivés and Mr. Salmon then withdrew, taking with them the treaty ratified by the President, and leaving that with the ratification of the King of Spain. I went immediately to the President's. He signed the proclamation of the ratified treaty and the messages to the two Houses communicating it to them as proclaimed. The messages were sent, and that to the House of Representatives was received while the House were in session. The Senate had just adjourned when Mr. Gouverneur, who carried the message, reached the Capitol.

I sent at the same time, to both Houses, the report upon weights and measures, prepared conformably to a resolution of the Senate of 3d March, 1817, and one of the House of Representatives of the 14th of December, 1819.

And thus have terminated, blessed be God, two of the most memorable transactions of my life. This day, two years have elapsed since the Florida Treaty was signed. Let my sons, if they ever consult this record of their father's life, turn back to the reflections on the journal of that day.[1] Let them meditate upon all the vicissitudes which have befallen the treaty, and of which this diary bears witness, in the interval between that day and this. Let them remark the workings of private interests, of perfidious fraud, of sordid intrigues, of royal treachery, of malignant rivalry, and of envy masked with patriotism, playing to and fro across the Atlantic into each other's hands, all combined to destroy this treaty between the signature and the ratification, and let them learn to put their trust in the overruling providence of God. I considered the signature of the treaty as the most important event of my life. It was an event of magnitude in the history of this Union. The apparent conclusion of the negotiation had been greatly and unexpectedly advantageous to this country. It had at once disconcerted and stimu-

[1] Volume iv., page 274, of the present work.

lated my personal antagonists and rivals. It promised well for my reputation in the public opinion. Under the petals of this garland of roses the Scapin, Onis, had hidden a viper. His mock sickness, his use of De Neuville as a tool to perpetrate a fraud which he did not dare attempt to carry through himself, his double dealing before and after the signature, his fraudulent declarations to me, and his shuffling equivocations here and in Spain, to acquire the reputation of having duped the President and me, were but materials in the hands of my enemies to dose me with poison extracted from the laurels of the treaty itself. An ambiguity of date, which I had suffered to escape my notice at the signature of the treaty, amply guarded against by the phraseology of the article, but leaving room to chicanery for a mere colorable question, was the handle upon which the King of Spain, his rapacious favorites, and American swindling land-jobbers in conjunction, withheld the ratification of the treaty, while Clay and his admirers here were snickering at the simplicity with which I had been bamboozled by the crafty Spaniard. The partisans of Crawford, and Crawford himself, were exulting in the same contemplation of a slur upon my sagacity, and delighting in the supposed failure of the negotiation, because its failure brought unavoidable disgrace upon me. By the goodness of that inscrutable Providence which entraps dishonest artifice in its own snares, Onis divulged his trick too soon for its success. Clay was the first to snuff the fragrance of this hopeful blasting vapor, and to waft it as his tribute of incense to the President. The demand of a formal declaration by Spain that the grants in question were by the treaty null and void, completely and unequivocally obtained at last, has thoroughly disappointed all the calculators of my downfall by the Spanish negotiation, and left me with credit rather augmented than impaired by the result. It now remains for the treaty to receive its execution; and the aid of the same overruling hand is implored, that it may prove as advantageous to this Union as its warmest friends ever anticipated.

The report on weights and measures is a work of a different character. The call of both Houses of Congress for a report upon a subject which has occupied for the last sixty years many of the ablest men in Europe, and to which all the power and all the philosophical and mathematical learning and ingenuity of France and of Great Britain have been incessantly directed, was a fearful and oppressive task. It has now been executed, and it will be for the public judgment to pass upon it. The manuscript has been seen only by the Clerks in the Department who made copies of it, and by Mr. Calhoun, the Secretary of War. I communicated it to him, with the request that he would peruse it and suggest any alterations which he should think advisable. He recommended the striking out of a few passages, amounting in the whole to about half a page, and two or three variations of expression. His opinion of the work was favorable; though he thinks the objection will be made that it is too much of a book for a mere official report. I altered and erased every passage which he disapproved; though Mr. Bailey told me he thought one of them ought to have been spared. It is, after all the time and pains that I have bestowed upon it, a hurried and imperfect work; but I have no reason to expect that I shall ever be able to accomplish any literary labor more important to the best ends of human exertion, public utility, or upon which the remembrance of my children may dwell with more satisfaction.[1] Yet let me trust and hope.

23d. Mr. Ninian Edwards, Senator from Illinois, called at my office, chiefly for the purpose of recommending several persons for offices in the new acquisition of Florida. Among the rest, he wishes Mr. John Pope, of Kentucky, to be appointed one of the three Commissioners of Claims; and also that a Mr. Walton, of Georgia, specially and most earnestly recommended by Mr. Walker, the Senator from Georgia, may receive the appointment of Territorial Secretary. The President has already written to General Jackson offering him the office of Governor of the Territory. I received a note from the President, with a large bundle of applications and recommendations for office, to be classed. He also requested me to call upon him before dinner. I received two notes from General Vivés referring to two articles of the ratified treaty, with a demand of measures for carrying them into execution. I took them to the President, and had his assent to the answers which I propose to give them.

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[1] This work still retains its reputation. It was republished in New York in 1871, with a high encomium by Dr. Davies, in a volume on the metric system.

The President read to me some detached paragraphs of the address which he proposes to deliver at his second inauguration. Some question has been suggested to the President whether he should deliver on that occasion *any* address; some of his Virginian friends having taken a fancy that it is anti-republican and not authorized by the Constitution. I entertained no such opinion, but told him that if he concluded to omit the address, notice of his intention should be given in the newspapers, as there would be a great concourse of people to witness his taking the oath, and they would be much disappointed if there should be nothing but that naked ceremony. He will refer the question to a Cabinet consultation.

The President also mentioned to me that Mr. Leavitt Harris had been with him and exhibited to him a number of letters which he (Harris) had received from me, some of them highly confidential; that Harris had told him the trial of his action against W. D. Lewis for slander was expected soon to come on at Philadelphia. I received last week a letter from Lewis informing me that a commission from the Court had issued to take my deposition. The President said Harris had told him that he should prove at the trial that all the witnesses against him in Russia were perjured villains, and had intimated that if I should testify to anything which I had heard against him from them, he might be compelled in his own defence to produce to the Court and jury these confidential letters from me, written, some of them, after I had left Russia, to prove that I considered him still as a person worthy of confidence. But there were passages in the letters, not relevant to the cause upon trial, which it might not be for the public interest, or which I might be personally unwilling, to disclose to public view; and Harris said he had brought the letters that the President and I myself might mark the passages which we would wish to have withheld from the Court and jury. Harris had read to the President several passages which he himself considered as of that character, and particularly one of a letter from Ghent, written towards the close of the year 1814, and which took a gloomy view of the state of public affairs at that time. Harris had not left the letters with the President, but the paragraph spoke of Great Britain, of the other European powers, and of our own affairs, in a manner which might have some unfavorable effect if now published—not in the slightest degree upon my patriotism or integrity, but it might excite a temporary prejudice against me, particularly on the score of discretion in committing such sentiments to a European post-office at that time. The President said he had not promised Harris that he would speak to me on the subject at all. He had for some time hesitated whether he should mention it to me, but he had finally concluded to make this communication to me and leave me to determine for myself what it would be proper for me to do. If the information that I had, unfavorable to Harris, was merely of hearsay from these persons in Russia, I might with propriety decline giving testimony in the case.

I told the President that my knowledge of Harris's conduct as implicated in the trial of this cause was by no means limited to hearsay. I knew much from personal observation, and most of all from Harris's own admissions; that I wrote confidentially to Harris upon public affairs I well remembered; and that there might be in those letters many indiscretions and many things not suitable to the public eye, was highly probable. How far a Court of Justice would admit the production of such papers, having no relation to the cause before them, I knew not; but if they were to be produced for the purpose of discrediting my testimony, whatever their effect might be, I must abide by the consequences. I then added that I could not but consider this application of Mr. Harris as very extraordinary, nor was it possible for me to avoid ascribing it to motives which I could not approve. It had the appearance of an attempt to deter me from testifying what I do know, by a threat of divulging something which I might be afraid should be known of myself. Such a threat I could treat no otherwise than with defiance. I should testify of Mr. Harris nothing but the truth, nor should I say one word the more or the less for anything that it was in

Mr. Harris's power to produce as having passed between him and me.

The President said that he had told Harris that this step would be liable to such a construction on my part, and it had been his own reason for doubting whether he ought to have mentioned it to me at all. But he should see Harris again, and would tell him that he should decline all further interposition in the case.

On returning home from the President's, I looked into my old letter books, and found in the Public Letter Book, volume ii., all the letters to Harris which I wrote him from Ghent, and among the rest the letter from which he had read the extract to the President. I saw immediately Harris's drift, first, in reading this extract to the President; secondly, in the threat of producing it to the Court and jury; and, thirdly, in the offer to withhold it if the President or I would express the wish that it should be withheld. It is in pages 192, 193, of the Letter Book, dated the 16th of November, 1814. In describing the dangers of our situation, it said, among other things, that we had a "feeble and penurious government." Harris thought the President would take this as a reflection upon the Administration of that time, and that it would excite his distrust of me. The extract spoke in terms of extreme bitterness against the British Government and certain British officers by name. It spoke of the policy pursued by the other powers of Europe, not excepting Russia, with anger and indignation. In my present public situation, I might be very unwilling that the British Government should know what I thought of them then. The extract spoke of the retreat of the British from Plattsburg, and of their repulse from Baltimore, as more disgraceful to them than glorious to us—the publication of which would wound the national pride of the country. All this had no more relation to the cause of Harris upon trial than it had to the trial of Jonathan Wild the great; but Harris fancied I should be afraid of having it come before the public, and took this indirect way through the President to remind me of what he *can* do if hard pushed, and, above all, to deter me from producing his letters of 3d, 4th, and 6th June, 1812. My course of proceeding was at once plain before me—to tell the President that Harris might produce any letter from me that he possessed, and to explain to him my motives, which I perfectly recollected, for writing to Harris that letter at that time.

24th. I called at the President's with a note received of yesterday's date from the French Minister, Hyde de Neuville. I sent him two or three days since the copy of a full power, made out by the President's direction, authorizing me to treat with him upon commercial arrangements. The note of yesterday was introductory to the negotiation. Its principal object was to ask an answer to a long letter which De Neuville had written to me the 16th of June, 1818, upon a claim raised by the French Government upon the eighth article of the Louisiana cession Treaty. I had already answered one long note of his upon the subject, and had left his reply unanswered, only to avoid altercation upon a claim which had no substance and upon which my answer to his first letter was of itself a sufficient answer to his reply. But when after the Act of Congress of 15th May last, and the retaliatory ordinances of the King of France of 26th July, the French Government had been dragged into this negotiation, finding themselves unanswerably pressed by notes of great ability from Gallatin, they started from the course by setting up again this Louisiana claim and declaring it indispensably connected with the arrangement of the question upon discriminating duties. And as Mr. Gallatin was not instructed upon the Louisiana claim, they made this a pretext for transferring the negotiation here, and sending De Neuville back here to finish it, with an ulterior destination to Brazil, held out to our cotton-planters "in terrorem." His letter now calls for an answer to his old one of June, 1818, and hints at two other affairs, meaning the cases of the Apollon and Eugenie, as also requiring adjustment before we can come to the settlement of commercial interests.

The President thought the first thing to be done was to answer the old Louisiana claim letter, and to offer to dismiss the suit against the Apollon and restore the vessel to the captain.

I told the President that I had found in my letter books the letters from which Mr. Harris had read passages to him, and particularly that of which he had yesterday mentioned to me the substance. I explained to him the motives for writing it, which were altogether of a public nature—to prepare him, and through him, as far as I was able, the people in power in Russia, for the unfavorable result of that campaign, which there was every reason to expect; to impress them with the idea that, notwithstanding all our distresses and disasters at that time, we should ultimately triumph over them all; and to stimulate the Russian Government itself to take an active interest in our favor by showing that our cause was, in a great measure, their own. The expression of a "feeble and penurious government," I said he had, I presumed, understood as referring not to the Executive Administration, but particularly to the inefficient measures of Congress at that time. The President said that in substance it was no more than he had himself said in his official reports. I observed that in my present situation the British and Russian Governments might be displeased if they should see my animadversions upon their policy as then pursued; but they would doubtless recollect, and lay to their own hearts, the feelings under which it was written, and not expect the courtesy of peace under the instigations of war. In every other respect, I said, I could have no objection to any publicity that Mr. Harris could give to that, or any other letter from me.

The Baron de Neuville came to the office and had a conference with me. I told him I should very shortly send him an answer to his Louisiana claim letter of 1818, which had hitherto remained unanswered only because it had been thought worse than useless to prolong an unprofitable controversy. As to the case of the Apollon, I told him that the vessel being under seizure for a violation of the revenue laws, the decision of the Court would determine whether the seizure had been legal or not. If legal, the laws must of course have their execution. If not legal, the captain and all persons interested in the property had their remedy in the same Court against the persons who had made the seizure.

He said that the injury had not been to the captain and owners of the Apollon alone. The commerce of France had been, in consequence of that seizure, for many months deprived of the resort to the Florida side of St. Mary's River, and of trading from thence with the United States. The fact was, that the merchants in France had consulted the King's Council, and enquired whether they could send their ships in this manner to St. Mary's River, and he himself had advised the answer given by the Council, that they might.

I told him this was a thing upon which we could of course not negotiate; and he again said he was willing to leave it to be explained in France by Mr. Gallatin.

This last disclosure explains the extraordinary and hitherto unaccountable irritation which he, and Roth before him, manifested at this seizure of the Apollon. The French Government itself, and by his advice, had become a party to this projected system for evading our tonnage duties. The seizure of the Apollon disconcerted them all, and made the Government itself in some sort responsible to their merchants for the advice given them. The Baron does not seem to be aware how this operates as a justification to us for counteracting this royal scheme of contraband. It is apparent that De Neuville intends to make this affair a very prominent point in the failure of his negotiation.

25th. Hopkinson[1] dined with us, and, according to his engagement, came and sat with me an hour before dinner. The object of his seeking this conversation with me was the next Presidential election. He gave me to understand that he was disposed to consider me as a candidate for that occasion; that others were of similar disposition, but that it was necessary there should be a concert and understanding between them, as there already was, and long had been, between the partisans of Mr. Crawford. He said that the extent and activity of their intrigues was incredible, and unless systematically counteracted would infallibly be successful.

I told Mr. Hopkinson that I was perfectly aware of the exertions making by Mr. Crawford himself and his friends to secure the Presidency at the next election. There were others making exertions not less ardent and persevering for Mr. Clinton, of New York. There was a third party, less apparent now, and the struggle of which was eventual, to depend upon the conflict now raging in that State between Clinton and Tompkins. The State was now about equally divided, and, as there is no marked difference of principle to contend for, they are squabbling for men. If either party should obtain over the other such an ascendency as would carry a large majority of the State, its leader would be the candidate of New York for the Presidency. The only question between them will be which shall be the man. New York, at any rate, will have a candidate of her own, and if both these rivals should be out of the way she would sooner take up Mr. King than resort to any other State. The politics of Pennsylvania will be greatly influenced by those of New York. She too is a divided State; but the scuffle for her Governor is between men neither of whom has any prospects in the General Government. She will probably be an accessory to New York. Whether any party, or any one individual, would support or propose me as a candidate, I could not tell; but even in my own native State of Massachusetts the predominating party, the federalists, had a grudge against me, which they would not lose the opportunity of indulging. To one thing, however, I had made up my mind: I would take no one step to advance or promote pretensions to the Presidency. If that office was to be the prize of cabal and intrigue, of purchasing newspapers, bribing by appointments, or bargaining for foreign missions, I had no ticket in that lottery. Whether I had the qualifications necessary for a President of the United States was, to say the least, very doubtful to myself. But that I had no talent for obtaining the office by such means was perfectly clear. I had neither talent nor inclination for intrigue. I can do nothing either to canvass for myself or to counteract the canvassing of others. I will have no stipendiary editor of newspapers to extol my talents and services and to criticise or calumniate my rivals. I will devote none of my time to devising laws to increase my own patronage and multiply canvassers in my favor. My time is now not sufficient to discharge the duties of my office; any part of it which I should spend in efforts to make partisans or to pull down competitors would be an abandonment of public for personal aims. For this, if I had the talent, I have not the will; and if I had the will, I have not the talent.

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[1] Joseph Hopkinson, an eminent member of the bar of Philadelphia, a member of the House of Representatives from 1815 to 1819, and afterwards appointed by Mr. Adams Judge of the Eastern District of Pennsylvania, an office which he held until his death, in 1842.

Hopkinson said that this very abstraction from all intrigues would be my principal recommendation; that Crawford, having nothing but intrigue to support him, having manifested utter incompetency to the very Department with which he is charged, having never rendered one signal service to the country, and having a standing manifesto of charges affecting his honor as a gentleman in the pamphlet of Governor Clarke against him, would make no head, unless by mere want of management in opposing him; that Clinton had embroiled himself too much in the turmoil of his own passions, and in his denunciation of the General Government had completely failed of substantiating his charges. The prospects of Tompkins he thought were no better. He was deeply involved in debt, and stood equivocally before the public in relation to the settlement of his accounts. Mr. King had no chance; and he thought I was mistaken in believing that the Massachusetts federalists retained their animosity against me. And he alluded to the manner in which they had recently conferred distinguished honors upon my father. He said if I should go to Boston next summer he hoped I should not entertain this opinion of the federalists, nor express it, and he intimated that Webster and Hale had been last Sunday dissatisfied with opinions which I had expressed relative to the trial of the Queen of England, which he noticed only to mark what seemingly trifling incidents affected the opinions of men.

We pursued this conversation no further; but this, as well as the conversations with Allison and some others, gives me warning of what I am to expect. If there has ever been an election of a President of the United States without canvassing and intrigue, there has been none since that of my father. There will probably never be another. The materials for canvassing are, and for some time have been, plentifully offered to me and pressed upon me. I cannot be ignorant of the consequences of declining these offers, but I could not accept them with satisfaction to myself, or with that consciousness of right which I never have forfeited, and which is dearer to me than any station to which it is in the power of man or fortune to raise me.

26th. The pressure of business upon me, public and private, is excessive. The message of the President to both Houses of Congress communicating the Florida Treaty was referred in the House of Representatives to the Committee of Foreign Relations, the chairman of which (Mr. Lowndes) is yet confined to his chamber. The next member of the committee is Mr. John Randolph, whose dispositions were so dubious, and his conduct so eccentric, that it was scarcely possible to know what they would do. A majority of the seven members of the committee were, however, friendly to the Administration, and I spoke upon the subject on Saturday to Mr. Dickinson, of New York, who is one of them, and who called upon other business at my office. He said he would see to have the committee called together. Mr. Randolph afterwards called at the President's, and declared his readiness and disposition to give every aid and facility in his power to the measures which might be contemplated by the Executive for carrying the treaty into execution. This day Mr. H. Nelson, of Virginia, who is also a member of the committee, called at the President's while I was there, and asked for minutes of the heads of an Act such as would meet the views of the Executive. The President desired me to make the minutes for such an Act, which I did, combining the precedents of the Acts for taking possession of Louisiana with provisions for the establishment of the commission for claims.

The affairs of R. W. Meade and Leavitt Harris absorb also a great portion of my time. Meade's memorial to the House of Representatives was referred to the Committee of Foreign Relations, and will ultimately come to be discussed again by the Secretary of State. A copy has been furnished him of my report to the President upon his memorial. The memorial itself was written by Walter Jones, late District Attorney here, but who has lately resigned that office in discontent and apparent delinquency. Mr. W. R. King, the Senator from Alabama, and one of the Commissioners for taking my deposition in the case of L. Harris against W. D. Lewis, at Philadelphia, sent me the commission and interrogatories on Saturday, requesting me to assign a time when I can appear before the Commissioners and be sworn to my answers. But he says they must not be in my own handwriting. They must then be copied from it, for I cannot answer the interrogatories without reviewing all the political transactions during the five years of my residence in Russia. I find also the necessity of referring to the papers which, by direction of the President, were delivered to Harris on the 11th of December, 1819, and I wrote him a letter this day requiring him to return them, with a promise that if any of them should be wanted by him as evidence upon the trial of his cause, he shall have them again for that purpose. I began the answers to the interrogatories this day, and was occupied in looking up the papers necessary for my testimony, upon my files of the mission in Russia.

The Missouri question is still laboring in Congress. On the 23d, upon a motion made the day before by Mr. Clay, the House of Representatives chose by ballot a committee of twenty-three members, who were joined by a committee of seven from the Senate, and their object was a last attempt to devise a plan for admitting Missouri into the Union. This day Mr. Clay made to the House the report of this committee. They propose a *conditional* admission, upon terms more humiliating to the people of Missouri than it would be to require that they should expunge the exceptionable article from their Constitution, for they declare it a fundamental condition of their admission that the article shall never be construed to authorize the passage of any law by which any citizen of either of the States in this Union shall be excluded from his privileges under the Constitution of the United States; and they require that the Legislature of the State, by a solemn public Act, should declare the assent of the State to this condition, and transmit a copy of the Act by the first Monday of November next to the President of the United States; but in substance it binds them to nothing. The resolution was, however, taken up this day in the House, read three times, and passed, by a vote of eighty-seven to eighty-one.

A joint committee of both Houses of Congress waited this day upon the President and informed him of his re-election. The President told them that he proposed to take the oath of office next Monday. The 4th of March, the day upon which the Presidential term of four years commences, happens this year to fall on Sunday, for the first time since the establishment of the present Constitution, and the question occurred whether the President should take the official oath on that day or postpone it to the next. He wrote to the Chief Justice of the Supreme Court requesting their opinion upon it, and they advised postponing the ceremony till Monday. The question yet remains undetermined whether any inaugural address is to be delivered or not.

27th. Mr. Freeman Walker, the Senator from Georgia, and the Baron Hyde de Neuville, came to the office. Walker's object was most earnestly to recommend a friend of his by the name of Walton to be Secretary for the new Territory of Florida. De Neuville's purpose related to the remission of the retaliatory discriminating duties imposed by the Act of Congress of the 15th of May last, and by the ordinance of the King of France of 26th July, so far as they operated upon persons not having notice of them. The Act of Congress imposed a tonnage duty of eighteen dollars a ton upon French vessels, and was made to commence on the 1st of July. The French ordinance was even retrospective, and applied to American vessels which had sailed from the United States after the 15th of June. Several French vessels which had sailed from France before the Act was known there to exist have been required to pay the tonnage duty. One American vessel has been in a similar predicament in France. It was recommended by the President to Congress at the commencement of the session to authorize the remission of all the duties levied on vessels not having had notice of the Act. A bill for that purpose was prepared in the House of Representatives, but has been left pending upon a proposal to insert a proviso making it conditional upon the reciprocal remission on the part of France. Since the arrival of the Baron, he has declared himself ready to engage for the remission in France, and I urged the Chairman of the Committee of Ways and Means and some other members of the House to pass the bill without annexing any condition, which was accordingly done in the House this day.

I had also much desultory conversation with the Baron upon the other objects of his mission, but see no prospect of its successful termination. He has repeatedly suggested the mutual repeal of the Act of 15th May last, and of the royal ordinance of 26th July, so as to commence the negotiation upon the "statu quo" before either of them. If the object of this were only to save the pride of France from the appearance of making concessions upon compulsion, I should be for indulging her; but it would throw the issue of the negotiation into her hands, and from the tenor of his conversation it is clear they are not prepared for any terms to which we can agree. I have therefore told him that, although the *amount* of the tonnage duty imposed by the Act of 15th May might perhaps be higher than was absolutely necessary, some such measure was indispensable; even the present state of things was unequivocally better for us than the "statu quo" before the Act of 15th May. I called at the President's. The Committee of Foreign Relations sent back the minutes I had made as heads for a bill, with a request for a draft of a bill, which I accordingly prepared and sent, and which was reported to the House this day by Mr. H. Nelson from the Committee of Foreign Relations. Mr. Clay, either having sufficient occupation upon other affairs, or special motives for a suspension of hostilities against me at this moment, made no opposition to the measure, nor any invidious remark upon the intercourse between the committee and a head of an Executive Department. The Senate have passed two bills, one for the adjustment of the claims, and the other for authorizing the President to take possession of the Territories. The House referred them both, together with their own bill, to a committee of the whole on the state of the Union.

Daniel Pope Cook was at my house this morning; he has friends to recommend for appointments, and, in that sort of jest which has serious meaning, desired my wife to advise me not to break my own neck. Cook is the only Representative in Congress from the State of Illinois; which State will still have only one Representative under the new census. It has already been foreseen by Messrs. Crawford and Clinton, and their respective partisans, that the most probable result of the next Presidential election will be no positive majority of the Electoral College for any candidate, so that the choice will fall to the House of Representatives. And as upon that choice the vote is not individual, but by States, the single Representative from Illinois will balance a whole delegation from New York or Pennsylvania. Cook is known to be a friend of mine, and, as well as Mr. Edwards, the Senator, is a family relation of John Pope, of Kentucky, the depressed but always formidable rival of Clay. There has been, therefore, and will continue to be, a violent and persevering struggle to supplant Cook; and the concert of operations here is managed by Jesse B. Thomas, the other Senator from the State, and with at least all the weight and influence of Crawford. The President, whose *intention* for the next Presidential election may be neutrality, but whose leaning is to Crawford, as a Virginian, Southern man, and slave-holder, indulges Crawford in all his views of appointments. Edwards and Cook, therefore, can scarcely ever obtain any appointment for their friends, but almost the whole distribution of offices has been to their most active and inveterate enemies. This exasperates them the more because they have been the uniform supporters and champions of the President and his Administration against that disguised and insidious but most venomous opposition which Crawford has pursued against it. Cook and Edwards are of opinion that my acquiescence in this course of things is a deficiency both of judgment and spirit; that I ought to take an earnest and decisive part in this bestowal of appointments, and meet Crawford upon his own ground. And, as I have forborne to do this, Cook intimates that I shall break my own neck. Yet my conduct is governed by a sense of duty and of delicacy alone. This subject of the next Presidential election comes up in forms almost numberless.

My wife had this evening her weekly tea-party, which was very numerously attended. Among the company was Henry Brush, of Ohio, a member of the present Congress, but not re-elected to the next. In the course of the evening he told me, commencing rather abruptly the conversation, that he had made up his mind that I was the most suitable person for the next Presidency, though he had never before expressed this opinion to any one. I told him that I was obliged to him for his good opinion; but that four years was too long a term to look forward for candidates on that occasion. He said that from this time all parties would be looking forward to that period; that with regard to Mr. Clay, his political conduct had been somewhat actuated by his situation and the irritation of circumstances. His views had been pointedly in opposition to mine, but he (Brush) had recently had conversation with Clay on the subject, and Clay had assured him that he entertained towards me no unfriendly or disrespectful sentiment whatever. Brush said he had been gratified at this assurance, and wished there might be a good understanding between Clay and me; that Clay must be a public man in this country, as the Western people would certainly insist upon it. I told Brush that I could have no possible objection to Clay's being a public man and just what the Western people would wish to make him. There had never been between him and me any ill understanding of *my* seeking. I had never stood in his way; he had occasionally thought fit to throw himself athwart of mine. This session of Congress he had suspended hostilities, but the three preceding sessions he had kept them up without intermission, in a manner, to say the least, not magnanimous—by sneers and sarcasms in the House of Representatives, where I could not be present for defence or retaliation, and by virulent abuse in the newspapers, unanswerable by me because anonymous. But I well understood the character of Mr. Clay, and rendered full justice both to his talents and good qualities. I had no disposition to interfere with his advancement, and should be well pleased that the nation should have the benefit of his services in any station suitable for them.

Mr. Sanford, the Senator from New York, was also here this evening. His term of service, too, expires with the present session, the Legislature of New York having chosen Martin Van Buren their Senator for the next six years in Sanford's place. Sanford has been a most useful and very able member of the Senate; but he has not been ardent enough as a partisan in the New York politics, and, the Bucktail or Anti-Clintonian party having now the ascendency in the State, the Legislature have displaced him to provide for one of their own leaders. I told Sanford this evening that, as it might be the last time I should have the opportunity of meeting him here, I could not forbear assuring him how much I regretted the loss of him as a member of the Senate. And I lamented the more the dissensions which would deprive the public of his services, because it was in proof that a majority of the very Legislature which had chosen his successor were actually in his favor—which was the fact. For all the Clintonians voted for him, and in the caucus of the other party which preceded the election there had been a minority of twenty-eight votes for him, which, if added to the Clintonians, would have given him a decided majority of the whole at the election. Sanford made no remarks in reply, but said he would take an opportunity of calling upon me before he should leave the city.

28th. The Spanish Minister, General Vivés, was at the office, and urges answers to several notes and letters that he has written me—some of them relating to the execution of the treaty, and others to different objects, among which are the case of the French ship Apollon, the capture by one of our armed ships of a slave-trading vessel called the Esperanza, and the arrest for debt at New Orleans of the Spanish Consul, Villavaso. He also requested me to send him, as I had promised, the answer to the observations which, according to his instructions, he had *verbally* made to me for the consideration of the President, at the time when he had declared his readiness to exchange the ratifications of the treaty. I accordingly drafted an answer, which was approved by the President and sent, together with a short answer to one of the General's notes.

At the President's I met Mr. Thompson, the Secretary of the Navy. The President has not yet determined whether to deliver an address at his second inauguration or simply to take the oath, and Mr. Thompson inclines to recommend the latter course. I dined this day at the President's, with all the Corps Diplomatique, together with several members of Congress. It was a dinner to the French Minister on the occasion of his return to this country, and to the Spanish Minister on the final conclusion of the treaty. The Senate this day, by a vote of twenty-eight to fourteen, adopted the resolution for the conditional admission of the State of Missouri into the Union, reported by the large joint committee, and which had yesterday passed the House of Representatives; and thus this second Missouri question has been compromised, like the first. The greatest results of this conflict of three sessions have been to make John W. Taylor Speaker of the House of Representatives, and to bring into full display the talents and resources of influence of Mr. Clay. By a singular piece of good fortune for him, just at the moment of his arrival here, Mr. Lowndes, in whose management it had been, was confined by severe illness to his chamber, and is so still. The majority against the unconditional admission was small, but very decided. The problem for the slave representation to solve was the precise extent of concession necessary for them to detach from the opposite party a sufficient number of anti-servile votes just to turn the majority. Mr. Clay found at last this expedient, which the slave voters would not have accepted from any one not of their own party, and to which his greatest difficulty was to obtain the acquiescence of his own friends. The timid and weak-minded dropped off one by one from the free side of the question, until a majority was found for the compromise, of which the serviles have the substance and the liberals the shadow. In the progress of this affair the distinctive character of the inhabitants of the several great divisions of the Union has been shown more in relief than perhaps in any national transaction since the establishment of the Constitution. It is perhaps accidental that the combination of talent and influence has been greatest on the slave side. The importance of the question has been much greater to them than to the other side. Their union of exertion has been consequently closer and more unshakable. They have threatened and entreated, bullied and wheedled, until their more simple adversaries have been half coaxed, half frightened into a surrender of their principles for a bauble of insignificant promises. The champions of the North did not, however, judiciously select their position for this contest. There must be at some time a conflict upon this very question between slave and free representation; but this is not the time, nor was this the proper occasion, for contesting it.

March 1st. There was a Cabinet meeting at the President's, when he read the address which he had prepared to deliver at his second inauguration next Monday. But he proposed for regular consideration whether he should deliver any address at all.

Mr. Thompson, the Secretary of the Navy, expressed again his doubts of the propriety of making any such speeches, which, he observed, were not required by the Constitution, and for which, he said, he did not see any adequate reason. The uniformity of the practice on former occasions might, he said, be a motive for continuing it, but if it were a new question he should be opposed to it.

My opinion was otherwise. Independent of the uniform usage, I thought there was a propriety in the thing itself. The inauguration was the only occasion presented by our institutions for direct intercourse between the Chief Magistrate and the nation. It was very proper at his first election to avail himself of it to declare succinctly the principles upon which he proposes to conduct his Administration; and when re-elected, there is equal propriety in reviewing before the world the progress of past events, as connected with the principles which have been pursued, and in announcing the perseverance with which they will be continued. There was nothing in the Constitution which required that the President should address Congress at the commencement of every session; but there was a manifest propriety that he should, and the practice was accordingly so.

Mr. Thompson did not press the discussion, and the other members of the Administration agreed that there was no adequate reason for discontinuing the practice hitherto uniformly observed.

The address itself was then discussed. It announces a persevering attachment to the course of policy of preparing by extensive and systematic fortifications for the defence of the country. It intimates the determination, if the deficiencies of the revenue should continue, to recommend the re-establishment of a system of internal taxation, and it expressed in general terms a disapprobation of the expedient of resorting to loans. There were expressions favorable to the manufacturing interests, to which Mr. Calhoun made some objections, and which were slightly modified. Mr. Crawford, as usual, objected to nothing, but upon some observation that I made, anticipating the revival at the next session of Congress of Mr. Baldwin's tariff bills, Crawford's aversion to them, and his delight at their failure, discovered themselves by an involuntary burst of exultation. I requested the President to reconsider the stigmatic mark of censure which he had inserted upon *loans*. I thought it unreasonable, at the very moment when we were under the necessity of resorting to a considerable loan; impolitic, as it would furnish a weapon against himself if, as was very likely, he should want further loans hereafter; and incorrect in principle, as giving countenance to a popular prejudice against loans, which I thought altogether unjust. Loans should never be made to meet or cover extravagant expenses, and it ought to be the earnest object of Government to raise within the year the means of providing for the expenditure of the year. So should an individual. But there were numberless occasions upon which the most judicious and frugal economist might find it useful to borrow money, and a superstitious antipathy to it as a mode of raising money was neither wise policy nor sound morality. The President said he concurred in this opinion, and he altered the passage in the address, omitting the general declaration against loans.

2d. I called at the President's upon various subjects. The appropriations for the Ghent Treaty Commissions, the numberless applications for offices in Florida, and for the commission of claims under the new treaty; the claim of R. W. Meade;

the interrogatories for the trial of L. Harris *vs.* W. D. Lewis; the negotiation with the French Minister, and the nominations to several offices, upon which the Senate must pass this day, or to-morrow—this multiplicity of business tends to distraction.

Mr. Archibald Gracie and Mr. Charles King, of New York, came to the office to request a new interposition of the Government, specially urging that of France to indemnify Mr. Gracie for the arbitrary seizure of a cargo of colonial produce at Antwerp, in 1808, by the Emperor Napoleon. There were six other claims in the same condition. The property was seized and sold, and its proceeds confiscated, without a form of process. It was a bare act of public robbery. But every application to the justice, and even to the sense of decency, of the French Government to obtain indemnity for it, has proved abortive. Two years ago, Mr. Gracie went himself to France in pursuit of his claim, and then, at his own instance, and that of his relative, Mr. Rufus King, of the Senate, obtained an instruction from the Department of State to Mr. Gallatin particularly to press this claim upon the consideration of the French Government, though without disparagement to any other claim. Gallatin accordingly presented a note, and received an unsatisfactory answer. He was also dissatisfied with this mode of proceeding, as being less likely to succeed than a general application in behalf of all the claims. But the French Government have lately compromised one claim for property taken during Napoleon's government in the Isle of France, upon which there had been a decree of restitution. Gracie and Charles King now came to solicit a special recommendation of this claim to the French Government through the French Minister, De Neuville. I told them I would speak of it to him, but it could not be otherwise than in general terms, and connected with a recommendation of all the other claims of citizens of the United States upon France.

3d. Close of the Sixteenth Congress, and of the first term of the Administration of James Monroe. This morning Daniel P. Cook, of Illinois, called at my house to recommend friends for appointments and to converse upon politics. He says that the Governor of the State refuses to give him a certificate of his election to the next Congress, though he was chosen by a majority of near three thousand votes. There was some defect or irregularity in the law of the State under which the election was held; but before the election both the candidates pledged themselves not to take exception to it, however the result might turn out. The Governor, however, not being a party to this agreement, and being opposed to him, may object to Cook, who may thereby be disabled from taking his seat, and subjected to the chances of another election. I was at the President's, and found him occupied about this postliminary claim of Mr. Clay for a supplementary half outfit of forty-five hundred dollars; Mr. Clay himself, and his friend, Colonel Richard M. Johnson, for him, both pressing for the allowance in a very urgent manner. It is contrary to every precedent and every principle; but the President, to whom Clay applied for it directly by letter to himself, feels an awkwardness at deciding it against him, precisely because Clay has pursued a course of insidious hostility against his Administration. He has, however, concluded to postpone the determination of it for the present. The President requested me to attend at the Capitol between four and five o'clock this afternoon. Between one and two, I received a resolution from the Senate, passing a negative upon the nomination of John James Appleton as Chargé d'Affaires at Rio de Janeiro. At this I was much surprised and disappointed. Apprehending that it was because some of the letters most warmly recommending him had not been sent with the nomination, I had a search made for them at the office, and they were sent to the Senate.

I dined at four o'clock, and immediately afterwards went to the Capitol, where I found the President had already arrived. I met Dr. Eustis at the door of the south wing, and spoke to him about Appleton. He said he had been earnest in recommending him, but he understood that one or more of the Senators had taken a fancy to go to Rio de Janeiro themselves, and were not averse to going in the capacity of Minister Plenipotentiary. But no objection had been made to Appleton but his youth. Notwithstanding this hint, I spoke in Appleton's favor to Mr. James Barbour, the Chairman of the Committee of Foreign Relations of the Senate, whom I entreated to lay before the Senate the additional recommendations which had at first not been sent. He said he would, but told me that unless they could add to the years and experience of Mr. Appleton, they would be of no avail; the opinion of the Senate being unanimous that a person of the first talents and highest standing of character ought to be sent immediately as Minister Plenipotentiary to Rio de Janeiro. A resolution of the Senate of that purport was in the course of the evening brought in to the President by Mr. Charles Cutts, their Secretary. The wisest bodies are not always perfectly consistent. In the estimates for the present year I had inserted an outfit and salary for a Minister Plenipotentiary at Rio de Janeiro. While those estimates were before the Committee of Ways and Means of the House, their Chairman, General S. Smith, wrote me a letter enquiring, among other things, whether the appointment of a Minister to Brazil could not for the present year be dispensed with. The President, not without some hesitation, authorized me to answer that it might; but that it would then be necessary to appropriate an outfit and salary for a Chargé d'Affaires. This was accordingly done in the General Appropriation bill. The outfit and salary for a Minister were struck out, and those for a Chargé d'Affaires were inserted. This General Appropriation bill the Senate passed this day, with the appropriations for a Chargé d'Affaires, and without those for a Minister. And on the same day they unanimously pass a resolution recommending the immediate appointment of a Minister. I observed to the President that the law spoke one language, and the resolution another directly the reverse, both emanating from the same body on the same day; and, as the law received his sanction, it expressed the sentiment both of the whole legislature and of the Executive, while the resolution expressed the sense of only one branch of the legislature, and that in direct opposition to their own opinion, likewise expressed in the law. It would look very odd if, after signing the Appropriation Act this day with an outfit and salary for a Chargé d'Affaires, he should next week appoint a Minister without any previous appropriation, and in these economical times would not escape the animadversion of the House of Representatives at the next session. The President said he should be in no hurry to act upon the resolution of the Senate, but would take ample time for consideration.

There were thirty-two bills and two resolutions this day presented to the President for his signature—and upon two of them, the Military Appropriation and the Loan bill, there was disagreement between the two Houses, which were settled only by conferences. While the President remained in the committee-room, I passed a part of the evening in the House of Representatives. There was little debate, and less confusion than usual; though it was difficult to keep together a quorum. I conversed with several of the members on various subjects. Mr. Mallary, the Chairman of the Committee on the Ghent Commissions, came and told me that they had made the appropriation for the year which I had recommended in my last letter to him. I said they had, however, reduced the salaries not only of the Agents, as they had the right to do, but of the Commissioners, which I thought a very harsh measure as regarded individuals, and contrary to the understanding and intent, if not to the letter, of the agreement under the treaty; that if either of the Commissioners should resign upon the passage of this Act, as they would have the right to do, and as I think I should do in their place, it would throw the whole business into a very awkward predicament, and much increase, instead of diminishing, the expense. He said he did not think they would resign, and then observed that he was glad the Florida Treaty had terminated in a manner so entirely satisfactory.

Mr. Storrs, the Chairman of the committee upon the expenditures of the Department of State, told me that he had made this morning a report to the House, approving altogether the appointment of Major Delafield after the close of the last session of Congress, and declaring generally the correctness of the accounts of the Department of State, so far as the committee had examined them. He spoke as if he was ashamed of his motion, which was intended as an attack upon me, and ashamed also to make public the justification which he had not been able to withhold. This is the last day of Storrs's present political existence. He has no prospect of being elected to the next Congress. He has considerable talents, and some taste for literature, with which I have always a strong sympathy. But he wants both judgment and firmness. The Missouri question has blasted him, and the loss of his popularity at home, with the loss of all his influence in the House, has driven him to vicious habits, and made his career as a statesman abortive.

Mr. Clay moved a vote of thanks to the Speaker, John W. Taylor, prefaced by a short, studied, but grossly indelicate speech. As, however, it was quite conciliatory as to the sentiment, it passed without animadversion. The Clerk of the House put the question, and there was only one voice answered in the negative. That was R. R. Reid, of Georgia. About an hour afterwards, the Speaker shortly addressed the House in answer to the vote of thanks. His speech was both in matter and delivery much better than Clay's. It was past twelve o'clock at night before the business of the two Houses was finished, and a half an hour later before the last bills were examined and signed by the President and notified to the two Houses as thus completed. A joint committee, consisting of Mr. Holmes, of Maine, and Hunter, of the Senate, and General S. Smith and Joshua Cushman, of the House of Representatives, came and informed the President that they were ready to adjourn unless he had any further communication to make to them, to which he answered that he had none. It was near one in the morning when they adjourned. And thus finished the Sixteenth Congress of the United States. I walked home in company, as far as his house, with Mr. Calhoun. I found him in some degree dispirited by the results of the attacks systematically carried on through the whole Congress, but especially through the session just expired, against his management of the War Department. He thinks that the present embarrassments in the Administration all originated in two measures of the first session of Congress under it—the repeal of the internal taxes, and the profuse Pension Act. The present falling off in the revenue, he says, ought to have been foreseen, and also that, on the failure of revenue, the War Department would naturally be the first upon which the scythe of retrenchment would fall. He observed also the coalition of Crawford's, Clinton's, and Clay's partisans, though with views quite hostile to each other, in the assaults of this session against the Administration; the vote of thanks proposed by Clay to the Speaker, Taylor; the appointment by Taylor of the most violent opponents of the Administration upon committees; the combinations of the Georgia, Tennessee, Kentucky, New York, and Vermont members, devoted to their respective leaders, and joining all their forces against the Administration. All this is unquestionably true. There have also been transactions in the War Department, in the Post-Office, and in the Bank of the United States which have unfortunately given handle to every class of disaffection. Jackson's Seminole campaign, the Florida Treaty, and the South American insurgents, have all been used in turn as weapons of annoyance. By the practical operation of our Government, the whole system of our politics is inseparably linked with the views of aspirants to the Presidential succession; and by the peculiarity of our present position, the prospects of *all* the candidates in reserve for the next Presidency, excepting the Vice-President, and setting aside the Secretary of State, depend upon the *failure* of the present Administration for their success. The worst of it is that this applies more forcibly to Crawford, a leading member of the Administration himself, than to any other. Crawford has been a worm preying upon the vitals of the Administration within its own body. He was the instigator and animating spirit of the whole movement, both in Congress and at Richmond, against Jackson and the Administration. In all the vicissitudes of the Spanish negotiation, wherever there has been difficulty or prospect of failure he has been felt when he could not be seen; and all the attacks against the War Department during this Congress have been stimulated by him and promoted by his partisans. An essential impulse to this course on his part is the knowledge he has obtained that Calhoun is not prepared to support him for the next Presidency. At the same time, the emptiness of the Treasury, and Crawford's utter inability to devise *any* other source of revenue but loan upon loan, very naturally lead him to favor any kind of retrenchment, and especially such as will not bear upon any of his friends. It has been the policy of all the parties to keep hostilities in reserve against me this session, and to assail the War Department as an outwork. At this moment, standing on the isthmus between the past and the future, I look back with satisfaction solid and pure at what has been accomplished of public service, with humility and regret that more has not been effected, and with unbounded gratitude to the Disposer of all results; forward, the prospect is beset with difficulties and dangers. Let me advance cheerily to meet the dispensations of time; pursuing with singleness of soul the path of duty; imploring for the faculty to will and to do; "to move in charity, to rest in Providence, and to turn on the poles of truth."

CHAPTER XIII.

THE DEPARTMENT OF STATE—SECOND TERM.

March 4th, 1821, *Sunday.*—And the commencement of the second term of the Administration of James Monroe, fifth President of the United States. But, the administration of the official oath, which the Constitution prescribes that he shall take *before* he enter on the execution of the office, being postponed till to-morrow, this day was a sort of interregnum, during which there was no person qualified to act as President; an event of no importance now, but which might be far otherwise under supposable circumstances.

5th. Second inauguration of James Monroe as President of the United States. The arrangements were made at the hall of the House of Representatives, by the Marshal of the District, in concert with the Clerk, and by consent of the late Speaker of the House. There were seats reserved for the ladies of the heads of Departments, and others for the members of the Diplomatic Corps and members of Congress. The President had requested the heads of Departments to assemble at his house and accompany him to the Capitol. The Marshal had recommended that the ladies should go early, to secure their admission into the hall and their seats. Mrs. Adams went first to the Capitol, and sent back the carriage for me. Madame De Neuville went in company with her. A quarter before twelve I went to the President's house, and the other members of the Administration immediately afterwards came there. The Marshal and one of his deputies was there, but no assemblage of people. The President, attired in a full suit of black broadcloth of somewhat antiquated fashion, with shoe- and knee-buckles, rode in a plain carriage with four horses and a single colored footman. The Secretaries of State, the Treasury, War, and the Navy followed, each in a carriage-and-pair. There was no escort, nor any concourse of people on the way. But on alighting at the Capitol a great crowd of people were assembled, and the avenues to the hall of the House were so choked up with persons pressing for admittance that it was with the utmost difficulty that the President made his way through them into the House. Mr. Canning and Mr. Antrobus, in full Court-dress uniforms, were in the midst of this crowd, unable to obtain admission. We got in at last, after several minutes of severe pressure. There was not a soldier present, nor a constable distinguishable by any badge of office. The President took a seat on a platform just before the Speaker's chair. The Chief Justice was seated at his right hand, the other Judges of the Supreme Court in chairs fronting him; the President of the Senate and late Speaker of the House at his left hand; the heads of Department sidelong at the right; and the foreign Ministers in the seats of the members at the left. The House and galleries were as thronged as possible. There was much disorder of loud talking and agitation in the gallery, not altogether ceasing even while the President was reading his address, which he did immediately after taking the oath. At this ceremony the Chief Justice merely held the book, the President repeating the oath in the words prescribed by the Constitution. The address was delivered in a suitably grave and rather low tone of voice. After it was finished, several persons came up to the President and shook hands with him by way of congratulation. At his departure from the House there was a cheering shout from the people in the galleries, and the music of the Marine Band played both at his entrance and departure. I returned home with my family, and immediately afterwards went to the President's house, where there was a numerous circle for congratulation. I then passed a couple of hours at my office, and in the evening attended a ball at Brown's Hotel. The President and his family were there, but retired before supper. We came home immediately after, and finished a fatiguing and bustling day about midnight.

6th. Mr. Terrell, member of the late House, from Georgia, came to take leave, having declined a re-election to Congress.

There were published in the Charleston City Gazette, in January of the last year, two long and elaborate attacks upon me, addressed to me under the signature of "Sagittarius." Terrell told me, a short time after their publication, that he knew who was the author of them; and told it as if he meant to tell me. I did not ask him, however, neither did he tell me. As it is very likely I shall not see him again, I determined now to ascertain whether he would tell me or not. I reminded him, therefore, of what he had said last winter, which he recollected, and asked him, as he knew the author of "Sagittarius," if he had any objection to tell me who it was. He looked very much embarrassed, and answered, slowly and doubtingly, No—he believed not—he thought he could tell me; but he did not tell me, and I soon relieved him from his perplexity by changing the subject of conversation. Why he told me last winter that he knew the author, and why he now so awkwardly evaded telling me who it was, I shall probably never know.

Mr. John B. Hurd, of New York, called at the office. He has been some time here, upon business before Congress. As he was the first person who called for an official investigation of L. Harris's conduct as Consul in Russia, I enquired of him whether he had known anything of it other than what he had stated to me in his letter of September, 1817. He knew nothing but by hearsay. But he gave me a written statement of two English vessels who bought admission as Americans by the certificates of Harris, in 1808, the names of the vessel, master, and sum paid, as told by Diederich Rodde to Captain Bates, and by Bates to Hurd. I spoke to him also of a straw bonnet made at Weathersfield, sold some months since at New York as an extraordinary specimen of American manufacture, which Hurd bought, and sent as a present to my wife. I told Hurd that while in the public situation which I hold I made it a principle to accept no valuable present from any one, it was very harsh to interdict the acceptance of presents offered to my wife, and it gave me pleasure to see her giving countenance according to our means to the productions or ingenuity of our country. I had therefore consented to her acceptance of his present, and should only take some opportunity to ask his acceptance of some equivalent in return. He said he hoped I should not think of it, and mentioned his reason for sending the bonnet to Mrs. Adams, which was merely because he thought it would give it the best opportunity of attracting notice. I did not press the conversation further.

7th. Daniel P. Cook, of Illinois, called on me this morning and took leave. I had some conversation with him upon political affairs. He is under some concern about the irregularity of his election to the new Congress. Cook is a man of fair mind and honorable principles, and makes a very handsome appearance in the House as a speaker. He is yet under thirty, and gives the promise of a useful and distinguished statesman; but his health is very infirm, and his constitution so feeble that its duration is more than ordinarily doubtful. His political fortune at present is very curiously contingent upon the issue of intrigues bearing upon the Presidential election; and before he was last chosen, last summer, in the newspaper war waged against him in the State of Illinois his regard for me was made one of the principal topics of charge to run him down. He manfully avowed it, however, and carried the election by a large majority. By some defect in the State law, very probably devised for the occasion, there is a prospect that this election will be vacated, which, besides putting Cook to the trouble and expense of travelling twenty-five hundred miles, from his residence here and back, will leave the State unrepresented in the House nearly the whole of the next session.

Mr. Forsyth came to the office and left with me Onis's Spanish pamphlet upon the Florida Treaty. The object of this publication was to defend himself against the charge of having signed a treaty disadvantageous to Spain. He takes infinite pains, therefore, to prove it highly advantageous, but specially values himself upon the flaw by which he had secured to the King (as he reasons) the right to ratify the treaty or to reject it, at his pleasure. The pamphlet, like all the writings of Onis, is full of misrepresentations and falsehoods.

Mr. Antrobus came to ask for Mr. Canning an interview with me, which I immediately granted. It was the first time he had asked it in this formal manner, and the first interview at the office since the warm scenes of the 26th and 27th of last January. His object was to enquire if I had any further propositions to make to him in relation to the co-operation for the suppression of the slave-trade. I had none. He had perhaps formed some expectations from the report of the committee of the House of Representatives to whom the documents communicated by the President were referred, and from the knowledge that the members of the committee were in favor of the stipulation of mutual search. The House did not act upon the report of the committee, and I told Mr. Canning that the views of the President upon the subject had not changed. Mr. Canning indulged himself in invectives against the slave-trade—a topic upon which I had neither inclination nor motive to contradict him. He finally said that he could only justify himself to his own Government by satisfying them that he had done everything in *his* power to prevail upon that of the United States to join in the concert of measures in which several other nations had agreed to concur with Great Britain. And he asked if there had been any omission on his part of any exertion which might have contributed to its success. I told him, by no means; that he had with great earnestness and perseverance urged every argument which would have operated as persuasion to us; that the answer on our part having been in the first instance altogether explicit, and having been given repeatedly both to Lord Castlereagh and himself, as well as the insuperable reasons upon which it was founded, it would henceforth be as agreeable to us not to be further urged upon it. He made no further reply, but rose and took leave.

8th. Cabinet meeting at the President's. It was to consult upon the measures to be taken for carrying the Florida Treaty into execution. The President has determined to appoint General Jackson Governor of the whole Territory, and wrote to inform him of it directly. The reduction of the army, by the Act of Congress passed at their recent session, commences on the 1st of June next. It leaves only one Major-General and two Brigadiers. Brown, as the eldest commissioned of the two Major-Generals, is to be retained, and Scott and Gaines are to be the two Brigadiers. Jackson, therefore, from the 1st of June, will be out of the military service, and this office of Governor of Florida presented itself as a fortunate occasion to save the nation from the disgrace of even appearing to discard without compunction a man to whom they are so deeply indebted.

The Commissioners of Claims under the eleventh article of the treaty are also to be appointed. The President mentioned all those who, by themselves or their friends, solicited the appointment. Their respective pretensions were canvassed, but the President came to no determination. Among the candidates is Mr. George Hay, the husband of the President's eldest daughter, recommended by a number of very respectable persons in Virginia. The opinion was unanimous that there was no individual proposed more thoroughly qualified for the appointment than Mr. Hay, but it was suggested that, from his domestic relation to the President, there would arise some public animadversion. Mr. Crawford said that the President himself could alone determine how far that consideration ought to have weight. I said the question appeared to me to be, whether the President would appoint Mr. Hay if there was no personal relation between them. For if that was certain, I did not think the personal affinity ought to operate to his exclusion.

I proposed to the President Colonel James Grant Forbes as Commissioner to carry the order from the King of Spain to the Governor and Captain-General of Cuba for the delivery of the Floridas and of the archives belonging to them. The President assented to this appointment. I sent for Forbes, who came to the office and agreed to go.

We had the judiciary company to dine with us this day—Chief-Justice Marshall, the Judges Johnson, Story, and Todd, the Attorney-General, Wirt, and late District Attorney, Walter Jones; the Clerk of the Court, Caldwell, and the Marshal, Ringgold; also Messrs. Harper, Hopkinson, D. B. Ogden, J. Sergeant, Webster, Wheaton, and Winder, all Attorneys and Counsellors of the Court. The Judges Duval and Livingston, Messrs. Peters and Tillotson, were invited, but sent excuses. Judge Washington is out of health, and has not attended the Court this term. We had a very pleasant and convivial party, and had occasion to repeat a remark made in former years, that there is more social ease and enjoyment in these companies, when all the guests are familiarly acquainted with one another, than at our usual dinners during the session of Congress, when we have from fifteen to twenty members assembled from various parts of the Union, and scarcely acquainted together.

9th. Mr. Clay called at the office. He is pressing upon the President his claim for a half outfit for the negotiation of the Commercial Convention of 3d July, 1815, with Great Britain. I told him I thought it could not be allowed without a special appropriation for it by Congress, to which he said he did not know that he should have any objection; but he wants the money now. Clay is one of the Commissioners for taking my answers to interrogatories in the case of Leavitt Harris against W. D. Lewis. I agreed, if I could have them ready in time, to call at the Capitol, where he is in attendance on the Supreme Court, and be sworn to them, Monday or Tuesday.

I had some conversation with him on political topics, and on his own present retirement from public life. I asked him if it would be consistent with his views, in case there should within two or three years be a vacancy in any of the missions abroad, to accept an appointment to it.

He said he was obliged to me for the question, but it would not. The state of his private affairs, and his duty to his family, had dictated to him the determination of a temporary retirement from the public service. But, by a liberal arrangement with him, the Bank of the United States had engaged him as their standing counsel in the States of Kentucky and Ohio. He expected that in the course of three or four years this would relieve him from all the engagements in which he had been involved, and enable him to return to the public service. In that case he should prefer over all others the station from which he had just retired, a seat in the House of Representatives, because that would be the place where he could hope to render the most useful service to the country. But, he said, he considered the situation of our public affairs now as very critical and dangerous to the Administration. Mr. Monroe had just been re-elected with apparent unanimity, but he had not the slightest influence in Congress. His career was considered as closed. There was nothing further to be expected by him or from him. Looking at Congress, they were a collection of *materials*, and how much good and how much evil might be done with them, accordingly as they should be well or ill directed. But henceforth there was and would not be a man in the United States possessing less *personal* influence over them than the President.

I saw Mr. Clay's drift in these remarks, which was to magnify his own importance and to propitiate me in favor of his outfit claim. His total forbearance of attack upon me, either by himself or his underlings, in the late session of Congress, and his advance through Mr. Brush, I attribute to the same cause. I told him the President must rely, as he had done, upon the public sentiment and upright intention to support him, and with these his Administration must get along as well as it could.

He said he regretted that his views had differed from those of the Administration in relation to South American affairs. He hoped, however, that this difference would now be shortly over. But he was concerned to see indications of unfriendly dispositions towards the South Americans in our naval officers who were sent to the Pacific, and he was apprehensive they would get into some quarrel there, which might alienate the minds of the people in the two countries from each other.

I said the instructions to the naval officers were as positive and pointed as words could make them to avoid everything of that kind. I hoped no such event would occur, as we could have no possible motive for quarrelling with the South Americans. I also regretted the difference between his views and those of the Administration upon South American affairs. That the final issue of their present struggle would be their entire independence of Spain I had never doubted. That it was our true policy and duty to take no part in the contest I was equally clear. The principle of neutrality to *all* foreign wars was, in my opinion, fundamental to the continuance of our liberties and of our Union. So far as they were contending for independence, I wished well to their cause; but I had seen and yet see no prospect that they would establish free or liberal institutions of government. They are not likely to promote the spirit either of freedom or order by their example. They have not the first elements of good or free government. Arbitrary power, military and ecclesiastical, was stamped upon their education, upon their habits, and upon all their institutions. Civil dissension was infused into all their seminal principles. War and mutual destruction was in every member of their organization, moral, political, and physical. I had little expectation of any beneficial result to this country from any future connection with them, political or commercial. We should derive no improvement to our own institutions by any communion with theirs. Nor was there any appearance of a disposition in them to take any political lesson from us. As to the commercial connection, I agreed with him that little weight should be allowed to arguments of mere pecuniary interest; but there was no basis for much traffic between us. They want none of our productions, and we could afford to purchase very few of theirs. Of these opinions, both his and mine, *time* must be the test; but, I would candidly acknowledge, nothing had hitherto occurred to weaken in my mind the view which I had taken of this subject from the first.

He did not pursue the discussion. Clay is an eloquent man, with very popular manners and great political management. He is, like almost all the eminent men of this country, only half educated. His school has been the world, and in that he is a proficient. His morals, public and private, are loose, but he has all the virtues indispensable to a popular man. As he is the first very distinguished man that the Western country has presented as a statesman to the Union, they are proportionably proud of him, and, being a native of Virginia, he has all the benefit of that clannish preference which Virginia has always given to her sons. Clay's temper is impetuous, and his ambition impatient. He has long since marked me as the principal rival in his way, and has taken no more pains to disguise his hostility than was necessary for decorum and to avoid shocking the public opinion. His future fortune, and mine, are in wiser hands than ours; I have never, even defensively, repelled his attacks. Clay has large and liberal views of public affairs, and that sort of generosity which attaches individuals to his person. As President of the Union, his administration would be a perpetual succession of intrigue and management with the legislature. It would also be sectional in its spirit, and sacrifice all other interests to those of the Western country and the slaveholders. But his principles relative to internal improvements would produce results honorable and useful to the nation.

10th. I received a letter from the Vice-President, Tompkins, informing me that he had twice taken the official oaths upon his re-election—once on the 3d of March, and again on the 5th, upon being informed of the President's intention to take his on the latter of those two days. The Vice-President was not here at all during the late session of Congress. A special messenger was sent to him by the President to inform him of his re-election, and he took the oath at New York.

Mr. Ninian Edwards, the Senator from Illinois, called at my office and took leave. I had some conversation with him upon political affairs and the state of parties, especially with regard to the systematic attack upon the War Department and Mr. Calhoun which has been carried on through both sessions of the late Congress. Cocke and Cannon, of Tennessee, personal enemies of General Jackson, and Lewis Williams, of North Carolina, a personal enemy of Calhoun, have been its principal leaders. With them have concurred all the partisans of Crawford and of De Witt Clinton; and partly, though not completely, Clay and his band. Combined, they constitute a decided majority of the House of Representatives; but their ulterior views are discordant. Clay operates for himself, and is too impatient to brook the delay incident to a full coalition with Crawford. He may finally settle into a coalition either with Clinton or with Tompkins, and would specially prefer the latter. Edwards says that about the middle of the last session Crawford had lost so much ground in the public opinion, and in Congress, that his friends had almost given up the hope of running him as a candidate at all; but the appearances towards the close of the session had encouraged them again; that he has indisputable information that the movement in Congress against Jackson's Seminole campaign was instigated and supported by Crawford; that the whole system of Crawford's conduct is war in disguise against the Administration of which he is a member; that he has had a long conversation with George Hay, the President's son-in-law, upon this subject, on which he has very explicitly given him his opinion; that Hay spoke of it doubtingly; that he (Edwards) had last evening had a long conversation with Mr. Calhoun, whose disposition he found excellent, and who had no views to himself for the next Presidency. Fisher, of North Carolina, was also very well disposed. He had formed a very unfavorable opinion of Crawford from the course he had pursued on the Seminole War debate. On that question Fisher himself had been against Jackson, and while the debate was in progress he had occasion to call, with two or three other members, upon Mr. Crawford for some other business; that Crawford then fully opened himself to them against Jackson and the campaign, which, Fisher says, although concurring with his own opinion as to the merits of that case, disgusted him with the character and conduct of Crawford.

Edwards spoke also of Barton, the Senator from Missouri, as a man of good intentions, though exasperated by the slave question and the delay to the admission of the State into the Union. Two or three angry and foolish letters from Barton, written here during the late session, have been published in the St. Louis Enquirer, a Missouri newspaper, of which Benton, the other Senator, is half owner and was editor. I spoke of those letters, which glanced insultingly at me without naming me. He said that they were written under embittered and prejudiced feelings, but that, notwithstanding them, Barton was a reasonable and well-intending man.

I said that might be, but he had shown me neither public justice nor private civility, nor did I expect anything better from him in future.

Edwards further said to me that if I would look into the Louisville (Kentucky) Public Advertiser I should find it a well-edited newspaper. This is the paper which, at the strong solicitation of Colonel R. M. Johnson, was appointed to print the laws of Congress at this last session. What are Edwards's connections with Colonel R. M. Johnson I do not know. Johnson's politics are too deeply involved with his private interests, and too dependent upon them. His popularity and influence in Kentucky and the Western country have neutralized Clay's hostility, and perhaps prevented the opposition which Clay at one time intended to have raised against the re-election of Mr. Monroe. I am afraid that this advantage has been purchased by compliance with private interests and speculations of Johnson and his relatives, in which the public interests have not been so rigidly guarded as they ought to have been. I am not without suspicion that the weight and influence of the Kentucky Johnsons is at market to the highest bidder. Colonel R. M. is a man of great intrigue and management, and, I believe, warm and honest-hearted, but plunged irrecoverably into private bank, land, and money speculations, till he has lost the thread of his morals. Such men are not my natural friends; and one of the things to which, whatever may be my fate, I will never submit, is that of applying a different scale of morality to my friends and to my adversaries.

11th. I was occupied great part of the day, as I have been many days, in looking up the papers to which I am under the necessity of recurring to answer the interrogatories in the cause of Leavitt Harris against W. D. Lewis. In this case Harris prosecutes Lewis for slander, in publishing of him what Harris at the same time knows to be true. He lays his damages at a hundred thousand dollars, and has feed all the most eminent lawyers in Philadelphia to carry him through the suit. I very unwillingly give my deposition in this case, but am legally summoned, and believe it indispensable to the ends of justice that I should answer fully and explicitly. Harris is one of those mixed characters who, with some very good qualities and great address, has not the firmness to withstand the temptation of profitable venality. His situation at St. Petersburg, and the circumstances of the times, gave him both temptation and opportunity such as perhaps was never presented to any other public officer of the United States; and he availed himself of it precisely to the extent which he thought he could do and escape detection. He made a princely fortune by selling his duty and his office at the most enormous prices. His "premium pudoris" was unconscionable. Yet he sold his signature for little as well as for much, and was like the lady who, while exacting a thousand guineas from one lover, was ready to grant the same favor to another for a shilling. I was very slow and dull of sight, even before admitting in my mind a *suspicion* against Harris's integrity. When I could no longer resist that, I was much more reluctant at yielding my belief to his prostitution; and even after being convinced beyond a doubt of that, I was still unwilling to expose him. He now avails himself of all my former partiality, indulgence, and forbearance in his favor to avow the intention of using it to discredit my testimony against him. This, and his late attempt to bully or buy off my testimony through the intervention of the President, I consider as the desperation of a drowning man. The duty that I feel to be most incumbent on me is, not to suffer it to have any effect upon my testimony; and I am re-examining all my papers having reference to these transactions, to bring all the facts as fresh as possible to my recollection. I suspect Harris has been more successful in his expedients to ward off the testimony of others.

13th. There was a Cabinet meeting at the President's for the consideration of Mr. Clay's claim of half an outfit for his share in the negotiation of the Commercial Convention of 3d July, 1815, with Great Britain. This matter belongs properly to the business of the Department of State. But, as Mr. Clay has generally opposed the Administration of Mr. Monroe, and has been pointedly personal on several occasions to me, the President, as a matter of delicacy to me, referred it to the Attorney-General for his opinion upon the precedents. He this day made his report, professing and proving that it was a subject altogether out of his province, but, upon a view quite erroneous of most of the facts, giving his opinion in favor of the claim. And he had told Mr. Clay this morning that he had made such favorable report. Mr. Clay called at the President's twice in the course of the day, to press for a decision of the President upon the report of Mr. Wirt in his favor. It was, however, concluded by the President that he could not decide without giving time to Mr. Wirt to revise his opinion upon a correct view of the facts. Mr. B. O. Tyler called this evening at my house with a subscription paper for a dinner to be given to Mr. Clay tomorrow at Brown's Hotel. I told Tyler that he might put down my name to the subscription, but that I should not be able to attend the dinner.

14th. The dinner was this day given to Mr. Clay at Brown's Hotel, at which he was toasted and made a speech. This is an English practice which has never been usual in this country. Clay seems to be desirous of introducing it here. It is a convenient practice for men who wish to keep themselves forever in the public eye. It is for such men a triple alliance of flattery, vanity, and egotism. The toast is always a fulsome compliment to the man, made to his face, and he makes it the occasion to manifest his rosy pudency in receiving it, and then delivering another semi-transparent panegyric upon himself, filled with professions of his gratitude and his patriotic principles. Clay makes it also an occasion for doling out his politics in driblets. It gives what they call in England a clever man an opportunity of saying smart things and setting clap-traps; but in England, when they have once begun, they go round the table; everybody is toasted, and everybody makes a speech of acknowledgment. It is a mixture of wit and dulness, eloquence and nonsense, which I always found exceedingly irksome and tedious. And there is always one general character belonging to it and inseparable from it—that of disgusting egotism.

18th. I have at last finished the answers to the interrogatories in the case of Leavitt Harris against William D. Lewis, and have collected the papers which are to serve as vouchers for most of the facts related by me. But all the Commissioners for taking the deposition, excepting Walter Jones, were members of Congress, and are now all gone. Thinking it proper to keep the original draft of my own testimony, I shall have it copied at the Department of State, and shall depose to the copy.

19th. There was a Cabinet meeting at the President's, attended by all the members of the Administration excepting Mr. Wirt, the Attorney-General, who is confined by illness. The object of the meeting was to determine what should be done with regard to the fortifications upon Dauphin Island, at the mouth of the Mississippi River. They are part of an extensive system for fortifying the whole coast of the United States, for their protection, in the event of any future war, against such invasions as we suffered in the last war with England. The President, who formed this project, chiefly from the experience of the defenceless state of the country in that war, had set his heart upon its accomplishment, and looks to it as one of the great objects by which his Administration may be signalized in the view of posterity. Large appropriations have been made to effect it, for several successive years, by Congress; but now, in the penury of the Treasury, and the passion for retrenchment, they have not only reduced the amount of appropriations, but withheld them for the fulfilment of contracts already made—for that of Dauphin Island in particular. It happens that there is a balance of a former appropriation, unexpended, of which Congress were not aware when they passed this Military Appropriation Act. The person who has made the contract for finishing the works, and has consequently made provision of the materials and engaged the workmen, may be ruined by the failure on the part of the public to perform the contract; and the question was whether this unexpended balance of appropriation for another object may now be applied to the fulfilment of this contract, thus proceeding to complete the works contrary to the sense of Congress, so strongly manifested by their withholding the appropriation.

The opinions were various upon it. One of the reasons upon which Congress withheld the appropriation, was an opinion that the fortifications at that place would be useless, though recommended by a board of able engineers who have been for years employed in surveying the whole coast for the special purpose of fixing upon the sites proper to be selected with a view to a system of defence. Mr. Calhoun, the Secretary at War, seemed inclined to think that this unexpended balance might be applied to the fulfilment of the contract for the

Dauphin Island fortification, in the confidence that Congress at their next session would review their opinion and approve the expenditure.

The President not only adheres to the opinion of the usefulness and importance of the works, but feels a deep interest in their continuance, as necessary to the completion of his design. The injury to the public interest by the abandonment of the works in their unfinished state; the double cost which must be occasioned by cancelling the contract already made and resuming the work hereafter; the flagrant wrong to the contractor by breaking the contract with him and leaving him with all his collected materials and engaged laborers upon his hands, were all taken into consideration.

Crawford, according to his custom, gave no direct opinion, but spoke of the impression of Congress, and particularly of General S. Smith, Chairman of the late Committee of Ways and Means of the House, at whose instance the appropriation was struck out, that these works would be useless, because there was not depth of water for any naval force to approach within reach of the battery; and Crawford himself countenanced the idea.

Calhoun strongly contested it; and to me it was quite incredible that a board of engineers specially commissioned to survey the whole coast and select spots for defence should have committed such an egregious blunder—the board, too, consisting of distinguished officers, and their report being admired as of the first ability. I was, nevertheless, of opinion that the unexpended balance should not be applied to this expenditure. For it could not regularly be so applied. And Congress, with a full knowledge of all the circumstances, having refused the appropriation, to apply other money for the object reprobated by them would bring the Executive in direct conflict with them, the Executive not having the law on its side. The position would be the most unfavorable possible for such a contest, and, from the disposition manifested by the last Congress, I had no doubt the next would be still more stimulated to make a quarrel with the Executive. If it must come, I thought it very desirable it should have all the aid that it can derive from the law. As to the additional expense of abandoning and resuming the work, Congress, and not the Executive, must be responsible for that. It was doubtful to me whether they would resume it at all. As to the wrong suffered by the individual in the failure of his contract, it was most respectful to Congress to suppose that when the case shall be properly brought before them they will make suitable provision to indemnify him, so that the public faith may be preserved.

It was finally determined that the balance of money should not be applied to this object, but the contractor should be informed that the opinion and wish of the President is in favor of continuing the work, and that this will be made known to Congress at their next session; that if the contractor chooses to proceed upon the work with this view, and by means of his own funds, the Executive considers the contract as binding upon the United States, although Congress alone can provide the means for its fulfilment.

20th. I called at the President's concerning the commissions and instructions to General Jackson for Florida. He desired me to see Mr. Calhoun and concert with him the corresponding instructions to be issued from the War Department. I called at the War Office, and Calhoun promised to furnish me copies of the instructions from that Department. I spoke to Mr. Calhoun of the decision at the Cabinet meeting yesterday, and told him that on this or any other subject resorting from the War Department, which might become a subject of general consultation by the whole Administration, if he had any preference of views with regard to measures, I should always take pleasure in concurring with them and supporting them.

He said it was at his own request that the President had called the Cabinet meeting yesterday. He had himself been in doubt what would be the most advisable measure. He had before the meeting rather inclined to the employment of the money, in the confidence that Congress would appropriate at the next session. But he was satisfied with the decision, and believed it to be the best that could have been taken on the case. He then asked me if Mr. Gallatin would return this year to the United States. I said I thought he would not. He said if he should, it would be desirable that Mr. Lowndes should be informed of it as soon as possible. He wished that Mr. Lowndes might be appointed to the mission, and, if he should, he would have some private and domestic concerns to settle before he could embark, which would require some time. I promised, in case Mr. Gallatin should announce his intention to return, that I would give Calhoun immediate notice of it.

Here closes the sixth volume of the journal, which I have kept without the intermission of a day since the 1st of January, 1795. Had I spent upon any work of science or literature the time employed upon this diary, it might perhaps have been permanently useful to my children and my country. I have devoted too much time to it. My physical powers sink under it. On the day with which I close, it was in arrear from the preceding 6th of November, and I have only brought up that arrear on the 14th day of July. I had hoped to keep this as a minute and circumstantial record of my share in the affairs of my country while I continue a member of its Administration. I must renounce this hope, and content myself with a mere abridgment of memoranda in future. In summer I can barely keep pace with the current of events. In winter, during the sessions of Congress, one indispensable occupation succeeds another, which absorb the morning hours, and leave me none for the daily narrative of yesterdays.

WASHINGTON, 22d.—Mr. Calhoun called at my house, and I went to the Navy Department to complete the arrangements for taking possession of the Floridas. We have stipulated to transport the Spanish officers and troops with their baggage to the Havanna, and, by a liberal construction of the article, have considered this engagement as including that of furnishing provisions for them on the passage. We have also engaged to provide an escort for them. The Secretary at War issues, through the Quartermaster's Department, orders for hiring the transports and supplying the provisions, and the Secretary of the Navy issues the orders for the escort. They are all to be provided at two points—one for Pensacola and the other for St. Augustine.

24th. I am now employed upon the draft of a letter to the Baron Hyde de Neuville on the subject of a claim to exclusive privileges in the ports of Louisiana, for which there is a plausible color, but only a color, in the eighth article of the cession treaty. This claim was first advanced by him in December, 1817, and was then answered by me. He replied by a long note, insisting upon it, in June, 1818. The discussion was then useless, and I left this second note unanswered. When the commercial negotiation was commenced last summer with Mr. Gallatin, the French Government immediately brought forward this claim; and, as he was not instructed upon it, they made it a pretence for transferring the negotiation to this place and for sending back De Neuville. It will make a volume of diplomatic altercation to no earthly purpose.

25th. I went with Dr. Thornton this morning to the Quaker meeting. There were from forty to fifty men present, and about as many females. We sat nearly two hours in perfect silence—no moving of the spirit; and I seldom, in the course of my life, passed two hours more wearily. Perhaps from not having been inured to this form of public worship, I found myself quite unable to reduce my mind to that musing meditation which makes the essence of this form of devotion. It was rambling from this world to the next, and from the next back to this, chance-directed; and, curious to know what was really passing in the minds of those around me, I asked Dr. Thornton, after we came out, what he had been thinking of while we had been there. He said he did not know; he had been much inclined to sleep. Solitude and silence are natural allies, and social silence may be properly allied with social labor. But social meditation is an incongruity. I felt, on coming from this meeting, as if I had wasted precious time.

26th. I had sent to the President on Saturday evening my draft of a letter to the Baron Hyde de Neuville on the claim of France under the Louisiana cession Treaty; and I received this morning a note from the President directing a Cabinet meeting at his house at twelve o'clock this day. It was accordingly held, and attended by all the members of the Administration except Mr. Wirt, the Attorney-General, who is confined by illness to his house. My draft was a reply to De Neuville's letter of 6th June, 1818. Both were read, and both contain elaborate counter-arguments. I requested that my draft might be severely scrutinized, particularly with regard to the ground of argument which it assumed. The French claim has a strong color of plausibility, and it was important that we should, in resisting it, take no stand from which we might hereafter find it necessary to withdraw. There was no diversity of opinion upon the discussion. There are two untenable points in the claim: one, that it is broader than the stipulation upon which it is founded; the other, that upon a promise of equal favor it claims gratuitously that which has been granted to others for an equivalent. Mr. Crawford made a sound objection to one expression in the draft as too harsh, and I immediately altered it. The rest was approved.

But the Baron de Neuville appears determined to pick a quarrel upon another affair—the seizure of the Apollon in St. Mary's River. Although he came without any instructions from his Government on the subject, he has repeatedly hinted that satisfaction must be given to France concerning it before he can agree to any arrangement of a merely commercial interest. He wrote me a note some weeks since, to enquire whether another vessel, called the Edmond, which grounded in the attempt to enter St. Augustine, and then went and entered, as in distress, at Amelia Island, could there take in a cargo from the United States without being molested. This has led to a correspondence, in one note of which De Neuville asserts that a *grave error* has been committed, referring to the case of the Apollon, and meaning, by the American Government. I am to reply also to this note. The Edmond has not been allowed to ship goods from the United States into Amelia Island, but the disposition of the President, and most especially of Mr. Crawford, is to give up the Apollon. She was seized under an order from the Treasury of 6th May, 1818, but they seem to think that order was not warranted by law. I think otherwise;

but the District Attorney in Georgia, Habersham, countenances the opinion that there is no law to reach the case. It had been determined after the seizure of the Apollon to have the case tried in the District and Circuit Courts, and if the decision in them should be against the Government, to bring it up by appeal to the Supreme Court. The final decision could not have been had in less than two or three years, and in the mean time the fraudulent use of the Florida Territory could not have been made for evading and defeating the laws of the Union; the main object of this profligate scheme would have been disconcerted, and if the captain and owners of the Apollon must finally be indemnified by the Government, it would cost only a trifling sum in comparison with the heavy loss to the public by the success and impunity of the project. But since the ratification by Spain of the Florida Treaty, the same object will be attained by another process. The boundary is transferred from the St. Mary's to the Sabine River. Florida becomes our own, and offers no longer a lurking-hole for foreign smugglers. There is no motive for keeping the decision upon the case of the Apollon suspended, and, as the legality of the Treasury order of 6th May, 1818, is questionable, it was now concluded that I should direct the District Attorney in Georgia to dismiss the appeal from the decision of the District Court, which was only a decree pro formâ, and order the restoration of the Apollon to her captain, leaving him to his action against the Collector for indemnity. I was convinced this would in no wise satisfy De Neuville, and only acquiesced in, without approving the measure. I am also to enclose to De Neuville copies of the papers communicated with my answer to General Vivés on the case of the Apollon.

29th. I received this morning a note from the President, returning the draft of the letter to the French Minister, with suggestions of a few alterations, all of which I adopted, though in one instance with reluctance. In his letter, referring to our proceedings in the case of the Apollon, he had asserted that a *grave error* had been committed. This imputation of error to a Government, by a foreign Minister accredited to it, is so indecorous and offensive that I had answered it in the draft more sharply than the President thinks necessary. He alters it therefore to, "you appear to assume as a fact, *what this Government can never admit*, namely, that a grave error has been committed," etc. There is a feebleness and a symptom of hesitation in this turn of phrase which De Neuville will seize upon to push us hard upon that point. In the draft I had turned the attack upon himself, and put him upon the defensive for the imputation. I sent him this day the long answer to his letter of 6th June, 1818, upon the Louisiana claim, and also received a note from him.

31st. I received from the Baron Hyde de Neuville a letter in reply to mine upon the Louisiana claim. Without abandoning the ground of his first demand, he now assumes another. His first claim was that French vessels should be received in the ports of Louisiana paying no higher duties than British vessels pay in all the ports of the Union. He now claims that if they are not entitled to this, they should at least be exempted from the extra tonnage duty, which is not paid by nations with whom we have no treaty. This claim is more plausible but not more sound than the other.

April 4th. I was occupied in preparing dispatches to R. Rush, A. H. Everett, and H. Middleton, to go by the New York and Liverpool packet which is to sail on the 10th of this month. It is perhaps the most laborious and difficult part of the duties of the State Department to hold at once the threads of our different relations with all the European powers. It is said of Julius Cæsar that he dictated letters to four secretaries at the same time—an achievement which every statesman deeply involved in business finds it necessary to accomplish. Mr. Thompson gave me to read a letter from R. King, the Senator from New York, concerning our relations with South America and with France, and suggesting again the expediency of sending a Minister to Brazil.

5th. I called at the President's, and left with him a confidential letter from the Baron Hyde de Neuville, dated yesterday and received this day. It is upon the case of the Apollon, and written in a spirit requiring such an answer as would lead to the immediate rupture of the negotiation. But, as it is confidential, it may be best to postpone the answer for the present.

6th. I received this morning a note from the President, with a notification for a meeting of the members of the Administration at noon. The meeting was held accordingly. All present except Mr. Wirt. The confidential note of the Baron de Neuville was the subject of consideration. It is a very long and sophistical defence of the captain of the Apollon; an elaborate argument in support of the assertion in a former note, that a great error had been committed (meaning by the American Government), and a final declaration that upon his conscience he thinks that no arrangement of commercial interests between France and the United States can take place until this error shall have been acknowledged and repaired.

This peremptory demand of an acknowledgment of error on one point as a condition precedent to an agreement upon another, was of course deemed inadmissible by us all. But it was thought by Mr. Calhoun that it was De Neuville's intention to break off the negotiation upon this point, so that it might not have to the world the appearance of breaking off upon the others, especially the navigation question. The President inclined to the opinion that De Neuville had indulged his passion, and that he would not be supported in the ground he has taken even by his own Government. My own opinion is that De Neuville finds himself personally implicated in this discussion. He told me that the merchants in France had made enquiries of the Royal Council of Commerce whether they might come to Amelia Island and St. Mary's River and transact their business with the United States without being subjected to the tonnage duties; and the Council, by his advice, had answered that they might. This I believe to be the principal cause of the temper which he displays on this occasion. But I observed that this letter was confidential; that if I should now answer it as it deserves, he might complain of unfair usage; he might say that, being confidential, if there was anything exceptionable in it I should have made it known by a verbal and friendly remonstrance, upon which he might have withdrawn his letter or altered it so as to render it entirely inoffensive. I therefore proposed that I should write him a short note, inviting him to suspend for the present this discussion; and it was so determined. I accordingly wrote it, and in the evening received his reply, which was brought to my house by Mr. Thierry of the French Legation. He consents to the suspension, with the understanding that he is to render his confidential note of the 4th instant official at his option. He desired me to give Thierry a verbal answer. I accepted the proposal, and told Thierry that the note would be considered either confidential or official, at his (the Baron's) pleasure.

7th. Mr. T. P. Barton came, a son of the late Dr. Barton, of Philadelphia, a young man who is going to spend four years in Europe for improvement—that is to say, to make himself good for nothing. He was with his father in London when I saw him there in 1815, and was then a boy. He is now a handsome young man, just fit to be ruined by a residence in Europe for improvement.

10th. The Baron Hyde de Neuville came to the office, and we had a conversation upon the subject of a commercial treaty. He affects to think everything clear and easy. But he perseveres in the claim of special privileges for French vessels in Louisiana. He insists upon a Consular Convention; he demands an article stipulating to deliver up deserting seamen; he asks a diminution of duties upon the importation of French productions; and he offers for all this a diminution, to be reciprocal, of one-third of the tonnage duties, direct and indirect, on both sides.

I told him it was impossible we should ever come to an agreement upon such terms.

He asked then that we should propose our terms. I told him that we might agree to a Consular Convention, differing much, however, from the old one; that we might agree to an article for restoring deserter seamen; that we might consent to a diminution of duties upon French articles; but that for all this we should ask entire reciprocity upon the tonnage article—a total abolition of the discriminating duties on both sides.

He said that was altogether out of the question. The French merchants knew that upon such an arrangement the whole commerce between the two countries would be carried by American vessels. The French wished only for their portion of it. Half the shipping concerned in the trade would satisfy them.

The Baron has shown great want of judgment in coming back to this country, where it is impossible he should accomplish anything, and whence, having once got away with credit, he must now go away without giving or receiving satisfaction.

11th. Received a notification from the President to attend a Cabinet meeting at his house at one o'clock. The meeting was accordingly held; all present except Mr. Wirt, the Attorney-General. The subject considered was the draft by the Secretary of War of instructions to Mr. Preston, the Commissioner under the treaty recently concluded with the Creek Indians, for ascertaining the amount of losses by certain citizens of the State of Georgia by the depredations of the Creeks, indemnity for which is stipulated by this treaty.

I took little part in this deliberation, with the foundation of which I was not sufficiently conversant to form a considerate opinion, except with regard to one question. Many of the losses occurred from twenty to thirty years back; and most of them consisted of negro slaves and cattle. The question is, whether the claim of indemnity shall be allowed not only for the losses themselves, but for their increase by propagation, or for interest upon their value.

There was much discussion of this question; Mr. Crawford observing that neither the sufferers nor the people of Georgia would be satisfied with the indemnity unless the allowance should be made. But it was observed to be scarcely possible to fix any rate of allowance on this account. The increase of the cattle could not possibly be ascertained; that of the slaves was almost as inaccessible. A rate of interest upon the value would be very difficult to fix, and, after all, would operate very unequally. If interest at six per cent. should be allowed on the assumed value, the claim for interest in many of the cases would amount to double the value, and more, of the original claim. The sum appropriated, being limited, would in all probability be found inadequate to the payment of the claims with this allowance, and then it must be apportioned in a very unequal manner, some claimants losing only a part of the interest, and the others a part of their principal.

I suggested that the allowance of interest in such cases had not heretofore been usual, or at least had always been subject to modification, and referred specially to the three per cent. stock created by Mr. Hamilton's system, from the interest which at the time was due on the debt to be funded. I cited this to prove that the practice of the Government had been to consider interest, even when promised by contract, more under the control of the Government than the principal.

Mr. Crawford denied that there was any such discrimination in Hamilton's Funding Act. He said that it divided the whole debt then existing, principal and interest, into three parts, funding one-third of it at six per cent., interest payable immediately; one-third in deferred stock, upon which interest was to commence at six per cent. after ten years; and one-third at three per cent. immediately.

I think it a duty to treat Mr. Crawford with delicacy. As I had referred to the Funding Act merely to illustrate the principle, and as I thought it would mortify him to have the book produced in the face of his denial, I did not insist upon or prove the position I had assumed. I urged, however, the danger to the Government of admitting as a principle that upon claims of indemnity the demand for interest or increase rests upon the same grounds as that for the principal.

It was finally concluded that the instruction should be to ascertain separately the amount of actual loss and that of claim for interest or increase; to make provision first for the former, and, if a balance of the public appropriation should be left, to take the claim for interest into further consideration. The meeting was continued till five o'clock, and the President directed another meeting to-morrow at half-past one o'clock, to take into consideration the Baron Hyde de Neuville's project for a Commercial Convention.

12th. The Cabinet meeting at the President's was held, and the substance of the Baron de Neuville's verbal proposals for a Commercial Convention was discussed. They are proposals upon which it is utterly impossible to expect any arrangement.

He demands a reduction of duties upon French wines imported into this country, a reduction of duties upon French silks, or an increase upon China silks; a Consular Convention upon the basis of that of 1788, and a reduction of the duties upon merchandise imported into the United States; and for all this he offers a reduction, which he says under no circumstances whatever can exceed the amount of one-third, upon the extra duties upon cotton, potash, rice, and tobacco, when imported in American vessels into France. This reduction would still leave a prohibitory duty upon the importation of American articles in American vessels. Examining his proposals in detail, it was thought that the reduction of duties upon French wines might be accepted, as well as the alternative either of reducing the duties upon French silks or of increasing them upon those of India.

To this, however, I suggested some objections. The difference of quality and of price between French and India silks is so great that even prohibitory duties upon the latter would scarcely increase the consumption of the former. Our importation of silks from India and China is now very great. It forms a large portion of our commerce, and especially of the commerce the most profitable to those who are engaged in it. To break it up would produce extensive dissatisfaction among the merchants. It would also dissatisfy the people of the countries from which we received the India silks. As to China, we need not much concern ourselves how the people there would take it; but in India our trade is with people under British dominion. Its continuance is dependent upon British good will, and, although they have no right to object to our increasing the duties upon it, I think we should soon feel the effects of their displeasure.

These opinions, however, met no concurrence. It was insisted that we had an unquestionable right to impose the duties; that no nation had a right to take offence at it, and it was presumed that none would; that the India and China trade, though profitable to individuals, was not so to the nation, and that it would be good policy to burden it with heavy duties. With regard to the Consular Convention, it was thought advisable to agree to that part also of the Baron's proposals.

I observed that the old Consular Convention had always been unpopular in this country, and always a favorite instrument of influence to France. I recurred to the history of that Consular Convention, and to the able and elaborate report of Mr. Jay to the old Congress against it.

The President said he had been a member of the old Congress when that report of Mr. Jay's was made, that he remembered it well, and had been against the Convention. But it might be revived with modifications which would avoid its objectionable parts. After accepting all these demands, it was concluded that we should demand in return the revocation (to be reciprocal) of all discriminating duties. As it was, however, understood that De Neuville will not agree to this, the question was discussed whether we should in any event agree to discriminating duties which will operate unequally against us. Hitherto the expressed opinion in the Administration has been unanimous that we should agree to no such principle, but Mr. Crawford now declared himself in favor of it. He also said he had been against the passage of the extra French Tonnage Act of 15th May last. This assertion surprised Mr. Calhoun much, and me a little. For, although the principle of that Act was once and again canvassed at Cabinet meetings, not a lisp against it was ever heard from Mr. Crawford there. But he may have worked underhandedly against it with members of the House, or of the committee who reported it. His reasons now for agreeing to discriminating duties of unequal operation unfavorably to ourselves are, that France will consent to no other terms; that if the present virtual interdiction of direct commerce in French or American vessels should continue, we shall be obliged to pass more restrictive laws, like those of embargo times, which he thinks would excite great disaffection to the Government, and yet prove ineffectual for their purpose; all which certainly has weight. But when we get possession of Florida there will be less occasion for any additional restrictive laws, as there will be less of means for evading those that exist. And I insisted that there was neither reason nor justice in this demand of France. Its principle was, that our seamen were better navigators, and our merchants more skilful in their business, than those of France, and this demand was, that we should join to load with our own hands a burden upon our own people to restore the balance. That the same result may be produced by the laws and ordinances of France in despite of us is possible; but we should not be chargeable with having subscribed to it ourselves. I asserted that the principle of equal reciprocity in our commercial intercourse with foreign nations had been a fundamental maxim of our policy from the time of our Declaration of Independence, and, although there might have been occasional deviations from it, there had been none comparable to this.

Mr. Crawford did not agree with me. He cited our own system of discriminating duties, which has been in force ever since the year 1790, and asserted that General S. Smith, of Baltimore, was the first who had proposed equalizing the duties; and that it was long before he succeeded in obtaining the Act of 3d March, 1815.

I referred to our treaty with France of 6th February, 1778, and to Mr. Jefferson's report to Congress of December, 1793, in proof of my positions. This discussion was finally postponed, with the understanding that for the present we are to claim a mutual abolition of all discriminating duties.

13th. I received this morning a note from the President requesting me to call at his house before I should see the Baron de Neuville, with whom I had fixed one o'clock for an interview. I went to the President's accordingly. His object was only to mention again the importance which he attached to this negotiation with France. From what has passed, he has little expectation that it will terminate in a satisfactory arrangement, and he is particularly anxious that we should have in the end the advantage of having offered very liberal terms. He was therefore disposed to agree to the reduction of the duties upon French articles imported into this country, and also to a Consular Convention properly modified, to which I had yesterday appeared to be averse. I told the President I should not object either to the reduction of duties on French articles or to a Consular Convention duly modified. But, as the principal object for which France wanted the Consular Convention was for an article stipulating the restoration of deserting seamen, if we should not agree for the whole Convention we might for such an article.

I then went to the office, and had the proposed conference with the Baron. He set forth his propositions. They demand that we should reduce our duties upon French wines from fifteen cents a gallon to ten; add forty per cent. to our duties upon silks imported from beyond the Cape of Good Hope; agree to a Consular Convention upon the basis of that of 1788, though with any modifications which we might find expedient; conclude especially an article for the restoration of deserting seamen, repeal the Act of 15th May, 1820, and reduce by one-third the extra duty upon French articles imported in French vessels. In consideration of which, France would revoke the King's ordinance of 26th July, 1820, and reduce one-fourth of her extra duties upon tobacco, rice, potash, and cotton. This would be his first proposal; but if all his propositions in favor of the French commerce should be acceded to, he could extend the reduction of extra duties (except upon the article of cotton) to one-third. He had been instructed to keep this concession in reserve; but he did not think there was much use in diplomatic mysteries. He preferred giving at once the extent of his powers.

I desired him to send me a written minute of these proposals, upon which I promised to furnish him in a few days with a counter-project; but I told him that I saw little prospect of our coming to any agreement, with demands so very large, and concessions so very slender, on the part of France. I added that we should be disposed to accommodate France as much as possible in her commercial interests, but that we should call for an entire abolition on both sides of the discriminating duties.

He said that was impossible. He was not even authorized, under any circumstances, to agree to a reduction of one-half; for it was well known, and the calculations had been made with the utmost accuracy, that the result of a reduction of one-half would be to throw the whole carriage of the trade into the hands of American shipping. France only wanted her share of it, and would agree to any terms which would secure even the largest half of it to the United States.

I told him that besides the general objections to our accepting the principle of unequal discriminating duties, we were satisfied that a reduction of only one-third of those of France would still leave a prohibitory duty upon our shipping in the ports of France, and that if there must be such a prohibitory duty, we could at least not give our acquiescence to it by compact.

After he went away I called again at the President's, and informed him of the substance of his conversation with me.

14th. General Vivés, the Spanish Minister, came, and I showed him the copy of a circular dispatch from the Spanish Minister for Foreign Affairs, Perez de Castro, to the Spanish Ministers at other European Courts relative to the interference of the allies in the affairs of Naples, which I received a few days since from C. Hughes at Stockholm.

Mr. George Hay called and borrowed the circular of the allied sovereigns, issued at Laybach, also forwarded by Mr. Hughes.

Mr. Walter Jones came and took my deposition to my answers on the interrogatories from the Court in Pennsylvania, in the case of Leavitt Harris against W. D. Lewis. There were in the same commission several interrogatories to Edward Wyer. Jones went over to Strother's Hotel, where he lodges, to take his answers; but he soon came back and said that he declined answering. I was not surprised at this; for although Wyer has been one of the freest speakers against Harris, I suppose he is not willing that the world should hear what Harris might retort upon him. Mr. Calhoun called at the office, and I had some conversation with him concerning the negotiation with France. I received this day from the Baron de Neuville the written minutes of his project.

17th. The President returned this morning from his short visit to his farm at Oakhill, in Loudon County. I called at his house with a draft for a counter-project of a Convention with France to be proposed to the Baron Hyde de Neuville. My purpose in this draft was to bring the question of the navigation, the only important one in discussion between the two countries, to an immediate issue. My draft there, acceding to all the Baron's wishes of favor in the reduction of duties upon French productions imported into this country, explicitly refuses to admit any difference of discriminating duties, and states that if he is instructed to adhere inflexibly to that principle it is useless to pursue the negotiation any further. It then proceeds to propose that the arrangement should be made by reciprocal legislative measures without treaty.

The President took this draft for consideration till to-morrow, and directed a meeting of the members of the Administration. I found Mr. Crawford with him.

Wrote about the letters to Jenney and Kendall, transmitted by Mr. Hodges, the Consul at the Cape de Verd Islands. They were taken from the master of a vessel detected in the slave-trade, and were addressed to them, merchants in Boston, but were sealed. There was a question whether we should break them open or not. There was a presumption that they would contain evidence of participation in the slave-trade against the persons to whom they were addressed. If they should, we ought to direct a prosecution against them; if they should not, we have no right to open the letters. It was concluded that I should send them to the District Attorney, with instructions to give them notice that he has the letters, and to propose that they should be opened in the presence and submitted to the inspection of the District Judge. If they should be found to contain evidence implicating Jenney and Kendall in the slave-trading practices of the writer, the Attorney will keep the letters, and commence a prosecution founded upon that evidence; otherwise, the letters are to be delivered to their owners.

18th. Cabinet meeting at the President's. All the members of the Administration were present. The draft of a counter-project for a Convention with France, which I had made yesterday, was considered and discussed. It was thought best not to present at this stage of the negotiation the idea of an alternative on the subject, that we may make the fair experiment whether we cannot agree upon the terms of a Convention. The question was debated whether we could agree to the principle demanded by France, of admitting by treaty discriminating duties unequal in their operation, but intended so to counterbalance the superiority of our navigators that the carriage of one-half the trade between the two countries shall be secured to French shipping. We have hitherto unanimously resisted this principle, as neither fair in itself nor just towards our own navigators. Mr. Crawford, however, this day expressed the opinion that it would be advisable to admit the principle so far as may be necessary for France to obtain a portion of the carriage of the trade. But I was surprised at his asserting that he had been averse to the passage of the French Tonnage Act of 15th May, 1820, and I found, upon noticing this afterwards to Mr. Calhoun, that he was not surprised less than myself at this avowal. Calhoun said that not only Crawford had never avowed any opposition to the Act at the time of its passage, but if he had, that the Act would certainly not have passed. I now insisted strongly against the admission by treaty of any unequal stipulations to the disadvantage of our own navigation, observing that it would be a departure from a commercial system equally wise and liberal, deliberately formed at the very birth of our nation, and entirely congenial to the spirit of the Declaration of Independence. That system was proclaimed to the world in the first article of our treaty of 6th February, 1778, with France; a treaty scarcely less remarkable among national compacts than our Declaration of Independence was among acts of national legislation. It proclaimed freedom of commerce between nations as the just law of intercourse between them, and entire reciprocity as its ruling moral principle. France had assuredly never before avowed such principles in any treaty; and they were evidently then introduced by the American negotiators—I suppose by Dr. Franklin. They were the sound principles of commercial intercourse among nations, and I was not aware that we had materially ever departed from them. The stipulation now claimed by France would be a material departure from them, and I was apprehensive would involve us in difficulties with other nations, who, if we made this concession to France, might claim the same for themselves.

Mr. Calhoun supported these opinions; but Mr. Crawford thought a mode of discrimination might be agreed to which would suit the purposes of France without any apparent sacrifice of reciprocity, and without danger of involving us with other nations.

The President concluded to make at least the experiment of insisting upon full reciprocity, and, conformably to his determination, I made a second draft of a counter-project to be sent to the Baron de Neuville, containing the same propositions which I had presented in the draft made yesterday, of advantages to France by reduction of the duties upon wines, by increasing the duties upon silks imported from beyond the Cape of Good Hope, and by a Consular Convention, or an article stipulating the restoration of deserting seamen; but demanding the entire equalization of tonnage duties, and that our tobacco should be released in France from the monopoly of the régie.

19th. I was at the President's, who approved of the new draft of a counter-project for the French Minister, with one or two slight alterations.

20th. I sent my counter-project to the Baron Hyde de Neuville, who immediately came over to my office to converse with me upon it. He was far from being satisfied with it, although upon the articles of commercial accommodation it conceded everything that he had asked; he said the commercial articles were altogether of subordinate and secondary consideration; his Government cared very little about them. The object with them was the navigation; and it was impossible for them to agree to an equalization of the duties, because that would in effect be to surrender the whole carriage of the trade to our vessels. His instructions had been founded entirely upon the principle of a mutual reduction of the duties on both sides. The utmost extent to which he was authorized to go was a reduction of one-third. The French Government had reason to believe that even this would leave a great disproportion of the shipments on our side; but it was willing to make the experiment for one or two years. As to giving up the régie for the sale of tobacco, that was out of the question; it was part of an extensive system important to the revenue.

I said it did not appear to me essential that it should form part of the adjustment; but, as he had claimed commercial advantages independent of the shipping question, it was just and necessary for us to ask for similar advantages in return.

He finally said he would propose to settle the navigation question by itself.

21st. Mr. Canning and Mr. Calhoun successively called at the office. Mr. Canning's purpose was to converse with me on the case of Wilcocke. From the papers sent me by Mr. Canning, it appears that Wilcocke was charged with having absconded from Montreal, carrying with him bank-bills to a large amount, purloined from a commercial house in which he had been a clerk; that he had escaped first into the State of New York and thence into Vermont. He had been pursued into both States, and finally arrested upon a civil suit at Burlington by a process returnable to the County Court there. To serve this process, the Jack Ketch, who had come over from Montreal after Wilcocke, was made a special constable, and having once arrested him, instead of returning the process to the Court whence it had issued, he took Wilcocke on board a vessel upon Lake Champlain, and, after carrying him first to Plattsburg, finally took him into Canada, and lodged him in prison at Montreal. There are affidavits of the Canadian officer who arrested him, and of the partner of the house who pursued him, that, after he was taken, he consented to go with them, being alarmed by information from them that a woman with whom he had cohabited was under prosecution for his offence. I told Mr. Canning that if these affidavits were true we could certainly not be solicitous to rescue such a character from merited punishment; but the testimony was ex parte, and the question was not upon the merits of the man, but upon the violation of our jurisdiction. His consent could not take away that error.

Canning had nothing valid to reply to this, but, after various other palliative suggestions, he said Mr. Baker, the Consul-General, had intimated to him that there had been a tacit connivance by common consent to such *recaptures*, which was found necessary on both sides upon that border, and if there had been such a usage he thought it would be advisable rather to put an end to it by giving notice on both sides prospectively than by pressing upon a case which has already happened. As the writs upon which Wilcocke was taken at Burlington issued from the office of Mr. Griswold, now the District Attorney, I concluded upon writing to him before taking any other step in the case.

I received from the French Minister an informal note, proposing to confine our negotiation entirely to the shipping question and to set aside all merely commercial concessions. He offers two points of agreement for the basis of a Convention: 1. That the discriminating duties on both sides shall be *reduced*; and, 2. That the reduction shall be such as that both parties may share in the carriage of the trade on both sides.

23d. I called at the President's, and found Mr. Wirt, the Attorney-General, with him. He appointed a Cabinet meeting for to-morrow to consider the new project of the French Minister for a Convention, agreeing to a reciprocal reduction of discriminating duties.

General Vivés, the Spanish Minister, called at the office, and informed me that he was about leaving the city to resume his summer residence at Camden, New Jersey, opposite to the city of Philadelphia. He appeared to be a good deal dispirited at the political condition of his country, and told me that he had just heard of an entire new change of the Ministry; that the Cortes had passed a vote declaring that the Ministers dismissed had the confidence of the nation; that the King had asked their advice for the appointment of a new Ministry, which they had declined to give, on the ground that the appointment of Ministers was an act purely executive.

Mr. De Bresson, of the French Legation, brought me a note from the Baron Hyde de Neuville, enclosing a declaration made to him concerning the seizure of the Apollon by her captain, Edou, who is now here. The Baron in his note passes a high encomium upon this "Ancien Officier de la Marine Royale" turned into a smuggler.

24th. There was a Cabinet meeting at the President's, fully attended; the subject of deliberation was the second counter-project for a Convention received from him on the 21st. The question was whether the proposition for a *reduction* of the discriminating duties on both sides should be accepted, with the understanding that they should be so adjusted as to secure a portion of the carriage of the trade to each party. To this end it is necessary that we should consent that the discriminating duties in France, direct or indirect, upon our shipping, should be much heavier than those in this country upon the French shipping. I repeated my objections to the admission of this principle, which I thought could not be done without surrendering the broad and liberal principle of reciprocity, upon which our whole commercial system from the first organization of our Government has been founded.

Mr. Crawford contested this position, and said that the Act of 3d March, 1815, had been first proposed by General S. Smith, of Maryland; that he had proposed it long before it passed, and that he could not carry it for a long time, because it was thought it would operate against us.

I answered that the anticipated operation of the Act of 3d March, 1815, must necessarily have been estimated subject to the counteraction of foreign regulations. While the restrictions and prohibitions of foreign powers acting upon our trade continued, it might be very questionable how an offer of abolishing our discriminating duties, which might be accepted by some and rejected by others, would work. But reciprocity is the law of freedom applied to the intercourse between nations, as equal rights form the standard of freedom in civil society. This great principle was assumed at the very period of our Declaration of Independence, and had formed the basis of our commercial policy ever since. I well recollected it was contained in a report of Mr. Jefferson to Congress while he was Secretary of State; and all the discriminating duties and restrictions ever introduced into our laws had been merely defensive, to counteract the like restrictions and discriminations of others. We had never sanctioned the restrictive principle by treaty, but always reserved to ourselves the power of counteraction. Much less had we ever assented to it with the admission that it was to operate disadvantageously to ourselves, to cast away advantages derived from the superior skill of our navigators, by our own act, like loading with stone the rider of a race-horse to make him as heavy as his competitor. But, notwithstanding my argument, it was determined that we should accept the basis of an unequal discrimination, though adhering to an apparent and nominal reciprocity. Mr. Gallatin has suggested a mode of effecting this to which we are hereafter to refer. The President determined on this course, at least with a view to ascertain what degree of disproportion would be insisted upon by France, and with the reserve that even in acceding to the principle we shall still have the power of breaking off upon the detail. I am to write, therefore, to the Baron, and, still objecting to the principle, to enquire *what* reduction of the discriminating duties he proposes.

25th. I made a draft of a note for the French Minister, according to the determination yesterday taken, and sent it to the President. He returned it with a suggestion of two slight alterations.

27th. I wrote a note to the Baron Hyde de Neuville, the French Minister, upon the commercial negotiation, requesting him to specify more particularly the reduction of discriminating duties by France and the United States to which he is willing to agree, and proposing that he should send it in the form of an article of a Convention.

30th. Mr. Bresson, of the French Legation, brought me a confidential note from the Baron Hyde de Neuville, upon our negotiation. Instead of the single article which, in pursuance of his own suggestion, I had requested him to present, specifically stating what reduction of the discriminating duties France was disposed to admit, he has produced an argument with a project of a Convention in five or six articles, and intimations that others will be indispensable, and among the rest a Consular Convention. I called at the President's with this note, and met Calhoun there. It is apparent that the Baron de Neuville has no intention of coming for the present to the conclusion of a Convention.

May 5th. The Russian Minister, Poletica, called at the office and showed me in confidence a letter of instructions from his Government, giving a general view of the Emperor's policy as essentially pacific; setting forth some complaints against the Porte, but manifesting the intention of maintaining the utmost moderation in the relations of Russia with that power, and speaking with strong disapprobation and alarm at the revolution in Spain.

Here occurs the first blank in this diary. The pressure of several weeks in arrear had become too great for endurance. Although the notes made by the writer, to aid his recollection in making up the text, still remain to show his intention, the course of current events was too strong to render it possible to go back. Hence this interval of several months.

PHILADELPHIA, *October* 7th.—Towards evening I called at Charles J. Ingersoll's, and, not finding him at home, at his brother Joseph R. Ingersoll's, with whom I had some conversation concerning the cause of L. Harris against W. D. Lewis. I left with him J. R. Hurd's letter to me of September, 1817, and requested him to have a supplementary deposition of Hurd taken, to prove that he did write me that letter. The trial is to come on in November. While I was with Ingersoll, his brother Charles came in, with whom I walked to his house. I had received from him a few days before I left Boston a letter requesting me to call on him as I should pass through Philadelphia, for something concerning which he wished to speak to me; and to dine with him. But, learning on my arrival here that his wife had been a few days since almost dying, and was yet confined to her bed with this raging disease of intermitting fever, I had concluded he could with no convenience receive company to dinner, and had conditionally promised J. Sergeant to dine to-morrow with him.

The point upon which Ingersoll had wished to speak to me was this. He asked me whether, at the negotiation of the Treaty of Ghent, I had proposed to grant to the British the right of navigating the Mississippi River as a compensation for an extension of our right to the fisheries. I said, No; I had made no such proposition; but that the British Plenipotentiaries had notified to us that they considered our rights of fishing within the British provincial jurisdiction, stipulated by an article of the Treaty of Peace of 1783, as annulled by the war, and that they would not renew that article. At the same time they demanded an article in the proposed treaty securing to them the right of navigating the Mississippi. Our answer insisted that the Treaty of Peace of 1783 was not and could not be annulled by the war; that to pretend otherwise would be to say that our independence was annulled by the war. But in that Treaty of 1783 there was a stipulation that the British should enjoy forever the right of navigating the Mississippi, and, holding as we did that treaty to be binding, we declined agreeing to any new stipulation to that effect. In the course of the discussion we made a proposal to the British Plenipotentiaries to adjust the difference by renewing both the articles. To this Mr. Clay objected, but he finally signed the note which made the offer, saying that he reserved to himself the right, if the whole treaty should displease him, finally to decline signing it. There was another proposal to renew an article of Mr. Jay's treaty, giving access to the British traders from Canada to the Indians within our Territories. To this Mr. Clay declared that if it should be agreed to, and also the article giving them the navigation of the Mississippi, he would not sign the treaty. Mr. Clay wished to give prodigious importance to this British right of navigating the Mississippi, and fancied they would eagerly snatch at it, as an equivalent for the old fishing article. But the truth was, that they set so little value by it that they rejected our proposal without hesitation, and offered us a counter-proposal to *renounce* the rights on both sides, which we in our own turn rejected, and I then declared if it should be accepted that *I* would not sign the treaty.

Ingersoll said that it was intended to make use of this incident upon a future occasion against me, and that I shall be charged as specially the person who would have yielded to the British the right of navigating the Mississippi for an extension of the fisheries.

I said I had no doubt it would be used against me wherever and whenever it could serve a turn. It had already been used against me in the Kentucky newspapers, and Mr. Clay, in one of his speeches to the House of Representatives in Congress, had made a statement of this incident, not in the most candid manner. For he had represented the proposal for allowing to the British the navigation of the Mississippi as having been made by a *majority* of the American Plenipotentiaries, he being in the minority, without acknowledging that he had signed the note by which the offer was made, and without disclosing how very lightly the concession of which he would fain make so much was estimated by the British, and how promptly they had rejected it. But, in fact, I was not the person who made the proposal for renewing the two articles; it originated with Mr. Gallatin, who knew and insisted that it could never be anything to the British but a mere naked right, and of no more detriment to us than use to them. I told Ingersoll that I could show him at Washington in my private papers all the documents exhibiting the true state of this affair, including the copy of the note to the British Plenipotentiaries, containing the proposal, signed by Mr. Clay, as well as by all the other American Commissioners.

WASHINGTON, 13th.—At the office Edward Wyer called, and Mr. Canning, the British Minister. He came to enquire whether we could deliver up a certain captain of a British fishing vessel, belonging to the island of Newfoundland, who ran away with his vessel and her fare of fish, and, after disposing of part of his cargo by smuggling on our coast, entered one of our Eastern ports and was there seized for a breach of our revenue laws. The crime of which this man is impeached is a statute piracy both by the British laws and our own. But our tribunals can take cognizance only of offences against our own law, which can operate only upon offences within our jurisdiction; they cannot try this man either upon our statute, which he has not, or upon the British statute, which he has transgressed.

I told Mr. Canning that I thought we could not deliver up this man, and referred him to several cases of a similar character which have occurred before. He made some question as to the obligation by the laws of nations to deliver up atrocious criminals, and referred to a passage in Vattel to that effect.

I admitted that there was such a passage in Vattel, but said it was voluntary law. In practice, nations did as they pleased; some did and some did not deliver up foreign criminals. England, I believed, did not. I mentioned to him the case of the pirates and murderers on board the schooner Plattsburg. Four of these were taken up in Denmark, one in Sweden, one in France, and one in Prussia. We had demanded the delivery of them all. Denmark and Sweden had delivered, and we had tried, convicted, and executed the men. But France and Prussia had refused to deliver; France alleging that she could deliver only after proof of the man's guilt, which could be proved only by the trial; and Prussia, which took the trouble of sending the man from Dantzig to Elsineur, where ample testimony was produced against him, still refused to deliver him up because he did not confess his guilt. But with us the question was of the authority to deliver up. The Executive had no such authority; and if a warrant to take up the man should issue, the first judge upon whom he should call would discharge him upon a habeas corpus.

"Aye!" said Canning, "this comes of a republican government."

"Why," said I, "we must take republican government, like others, for better for worse; the personal security of individuals is a favorite object of republican government, but the want of authority was not confined to them. It had been the answer given by the Governor of Canada to our application for the delivery of fugitive slaves."

Mr. Canning had not been informed of this. I told him if, in this case, he should make an application, I presumed the President would refer it to the Attorney-General for a report; but, to save time, I would send his papers to the Attorney-General before transmitting them to the President.

Mr. Canning mentioned the case of a man named Milligan, charged with forging bank-bills in the State of New York, who had been delivered up by the Government of Canada; but I was not acquainted with any of the particulars of the affair, nor was he.

14th. Spent the evening at Mr. Wirt's alone with him. Conversation chiefly upon the recent incidents in Florida, General Jackson, Judge Fromentin, and the late Spanish Governor and Commissioner Callava. Jackson committed Callava to prison; Fromentin issued a writ of habeas corpus with the intention of discharging Callava; Jackson summoned Fromentin before him to answer for having interfered with his authority; Fromentin first alleged sickness for not going, and afterwards went, not, as he alleges, in obedience to the summons, but merely to give amicable explanations. There were violent scenes of altercations between the parties. Callava has published a long protest against Jackson's proceedings in the newspapers. Jackson and Fromentin have complained of each other to the Government, and all the newspapers are full of discussion upon the subject, generally taking side against Jackson, because they have seen hitherto little but on one side of the questions. Among the rest, the Richmond Enquirer, a paper edited with considerable ability, and the organ of the new Virginia faction under the auspices of Spencer Roane, Chief Justice of that State, has come out with great virulence. The Enquirer, under constant professions of esteem for Jackson's public services, has always betrayed a rancorous and malignant hostility against him. But Wirt has been himself heretofore a correspondent of the Richmond Enquirer, and almost worships Spencer Roane. He is therefore alarmed at these premature ebullitions of the press, and thinks there ought to be some anonymous counter-publication in the National Intelligencer, to shield the Administration from censure. Wirt is inclined to think Jackson has been wrong both in sending Callava to prison and in summoning Fromentin before him. He thinks they were both privileged persons—Callava as the Spanish Commissioner, and Fromentin as a judge. I mentioned to him that Jackson had objected to the writ of habeas corpus, as issued illegally in form, even if Fromentin had the right to issue it. Wirt said there could be no doubt that it was irregularly issued. Wirt thinks that the President should return to this city as soon as possible, to determine upon the course to be pursued in this case and some others.

15th. At the office the day was nearly occupied by visits from Bresson, one of the Secretaries of the French Legation, who brought me three notes from the Baron Hyde de Neuville, from Baron Stackelberg, the Swedish Chargé d'Affaires, and from Mr. Calhoun. De Neuville's notes were to renew the demand for the restoration of the Jeune Eugénie, and to inform me that he had received instructions from his Government to continue the negotiation concerning the eighth article of the Louisiana Treaty, and concerning the cases of the Apollon, Eugénie, and Neptune.

Stackelberg came to claim privileges for Norwegian vessels in our ports equal to those recently granted to our vessels in Norwegian ports, which is not in the power of the Executive to allow. He also claimed like privileges for the vessels of the island of St. Bartholomew's. Stackelberg mentioned to me the order of St. Anne conferred by the Emperor of Russia upon his Minister here, Mr. Poletica, in reward for his services, manifested by the friendly relations existing between the two Governments. Stackelberg smiled significantly on mentioning this, as if to hint that he knew Poletica had no friendship for this Government.

I did not seem to understand him, but said I hoped *he* too would some day receive a token of favor from his sovereign for the friendliness of the relations between our two countries.

He mentioned also Salmon's case, who, he said, had been Chargé d'Affaires from Spain about half a day—General Vivés, the former Spanish Minister, having sailed from New York on the 10th of this month, and Don Joaquin d'Anduaga having arrived there on the morning of the 11th.

Mr. Calhoun came to mention the determination of the President upon some question relating to the barracks at St. Augustine. He also spoke of the altercations between General Jackson and Colonel Callava and Judge Fromentin, about which he is much concerned. He thinks that the President ought to come immediately to the city and determine upon the course to be pursued by the Administration in these cases. I concur in that opinion. Calhoun fears that a wrong direction may be given to public sentiment on these transactions by the spirit of faction and the crude precipitancy of newspaper commentaries. Calhoun is a man of fair and candid mind, of honorable principles, of clear and quick understanding, of cool self-possession, of enlarged philosophical views, and of ardent patriotism. He is above all sectional and factious prejudices more than any other statesman of this Union with whom I have ever acted. He is more sensitive to the transient manifestations of momentary public opinion, more afraid of the first impressions of the public opinion, than I am. In all cases of controvertible conduct in public men, when the conclusion upon the whole subject is more favorable than its first aspect, the more hastily and the more virulently they are in the first instance attacked, the more strong and effectual is the final result in their favor. In such cases, I think the true policy is to let the hostile portion of the public journals extravagate to their heart's content; let them waste their strength and emit all their venom upon misapplications of law and perversions of fact; and when the victory is upon the balance, seize and turn their batteries against themselves.

Mr. Tobias Watkins, the Secretary to the Commission upon Spanish claims, called upon me this evening, and had much conversation with me concerning the proceedings of the Commissioners. He said he was confident the whole amount of the claims to be provided for would fall short of five millions of dollars, which would, he thought, be creditable to the Administration, which had been censured for not stipulating to pay a larger sum, as Onis had demanded.

I told him of the alarm which had been caused at Salem and Philadelphia by the *report* that the Commissioners had decided not to admit any claim of insurance companies or underwriters. He said there had been no decision. The question had been reserved for argument. But two of the Commissioners, White and Tazewell, had so strongly expressed their opinions, that he was fully convinced no underwriter or insurance company would recover a *cent*. Mr. King, indeed, was in their favor. But the opinion of the two others was very strong against them. I asked upon what grounds. He said because the underwriters had received large premiums, often fifty per cent., for the risks; because the insurance offices had been more than compensated for their losses by their profits, and Mr. Tazewell had another principle, namely, that the treaty provided for the claims only of American citizens, and he did not know but some part of the stock of insurance companies was owned by foreigners. Watkins said that Tazewell had written and discussed these and other questions arising from the Commission, in the form of dialogues. I told Watkins I hoped Mr. White and Mr. Tazewell would reconsider their opinions before they pronounced upon the claims of insurance companies. I believed their claims good according to the maritime law. The underwriter, by payment of the loss, acquired all the rights of salvage belonging to the owner. We had renounced his claim upon the Spanish Government, and it would be hard to deprive him of all remedy there with one hand, and deny it to them with another here. The claims of the insurance companies were among the principal claims to be provided for. We had published them to the world as claims of our citizens of Spain, and now, if they should be excluded, they would immediately come back against us as claims upon Spain, which we should again be obliged to maintain; and what could we say to Spain to maintain them? or what upon the subtle device that among fifty or a hundred owners of stock in an insurance company there might be one or two foreigners? They would charge us with direct fraud, and, I think, very justly.

Watkins mooted the point with me some time, and I advised him to read Park, and Marshall, and Louis the Fourteenth's Ordonnance de la Marine. He asked me if I would commit to writing my ideas on the subject; but I declined, as it might have the appearance of interfering with the proceedings of the Commissioners. He said W. Pinkney was engaged to argue the question for the insurance companies of Baltimore. I promised to refer to the cases of claims under the former Commissions, both in France and England. He said the Commissioners had also decided that all the arguments should be in writing. But the counsel for one of the claimants had declared his wish to object to the admission of another claim, upon which Tazewell had said this was a new proposition, and it was further to be considered whether this argument should not be heard viva voce.

16th. A young man by the name of Cooper, of Georgia, whose father lost a number of slaves by capture from the British during the late war, came to enquire into the state of the negotiation upon the subject. I told him that upon Mr. Middleton's arrival in Russia the Emperor had been absent, and very lately returned. We had as yet received no information that the subject of the arbitration had been brought before him, but I was assured Mr. Middleton would not delay it. He asked upon what principle indemnity would be made if the decision should be in our favor. I said we had hardly reached that question yet. We should obtain all that we could. He said that indemnity for the mere value of the slaves carried away, and only interest upon that value, at the rate of six per cent. a year, would be no adequate compensation for the loss. The increase of the slave, and the improvement of the plantation by his labor, ought to be paid for. I told him I thought it would be difficult to ascertain. He said not at all. I said it was like a merchant's claiming for indemnity the profits of a voyage which he might have made; but he did not see the analogy. I asked him how he could say that any given slave would not have died within a week after he had been carried away. He said he could not, but allowance might be made for that. I advised that his father should have his whole argument set forth in its utmost extent and forwarded to this Department, where all the use that could would be made of it. He took leave, giving me thanks for my attendance to the business.

17th. Mr. Calhoun called upon me this morning at my house, and we had a long conversation upon political affairs at home and abroad. I showed him the letters I have last received from C. Hughes, Jr., and H. Middleton.

Mr. Canning came to the office again upon the affair of the pirates from Newfoundland. He had written me a note upon the subject, which I first showed to the Attorney-General and then sent to the President. I spoke of it last Sunday to Mr. Wirt, who said he had already given an opinion in a similar case, a copy of which he supposed would suffice, if the President should refer this to him. Mr. Canning discussed again the question of the obligation of nations to deliver up atrocious criminals, and alluded to the British Acts of Parliament which authorize the Government to send foreigners out of the kingdom, which, I observed to him, was quite a different thing from delivering them up at the demand of another power. Mr. Canning had read the statute of the United States for punishing crimes, and thought its provisions against piracy sufficiently comprehensive to include this case. And in words it certainly is; but I referred him to the construction which the Supreme Court of the United States have given to that section of the statute in Palmer's case, which restricts its operation to our own citizens, or offences in our own vessels. And I read to him in the third volume of Wheaton's Reports a part of the opinion of the Court in that case.

20th. There were received this morning from the President a number of bundles of papers, forwarded by him from Oakhill, some of them public papers to be deposited at the Department, others which he had directed to be sent to his house. Among them was a letter from Spencer Roane, the Virginian Chief Justice, enclosing to him his lucubrations in the Richmond Enquirer against the Supreme Court of the United States. George Hay told me last summer that Roane was the author of the pieces signed "Algernon Sydney," against the Supreme Court, and that they had been excited by the words "we command you" in the mandamus in the case of Cohens *vs.* Virginia. Roane, in his letter to the President, glorifies himself as a very virtuous patriot, and holds himself out as a sort of Jefferson or Madison. All this is "close ambition varnished o'er with zeal." Jefferson and Madison did attain power by organizing and heading a system of attack upon the Washington Administration, chiefly under the banners of State rights and State sovereignty. They argued and scolded against all implied powers, and pretended that the Government of the Union had no powers but such as were expressly delegated by the Constitution. They succeeded. Mr. Jefferson was elected President of the United States, and the first thing he did was to purchase Louisiana—an assumption of implied power greater in itself and more comprehensive in its consequences than all the assumptions of implied powers in the twelve years of the Washington and Adams Administrations put together. Through the sixteen years of the Jefferson and Madison Administrations not the least regard was paid to the doctrines of rejecting implied powers, upon which those gentlemen had vaulted into the seat of government, with the single exception that Mr. Madison negatived a bill for applying public money to the public internal improvement of the country. But the same Mr. Madison signed a bill for incorporating a Bank of the United States, against which he and all the Virginian party had stubbornly contended as unconstitutional, because *express* power was not given to the Congress to incorporate banks. The Virginian opposition to implied powers, therefore, is a convenient weapon, to be taken up or laid aside as it suits the purposes of State turbulence and ambition; and as Virginia has no direct candidate to offer for the next Presidential election, her aspiring demagogues are casting about them to place her again at the head of a formal opposition to the Administration of the Union, that she may thus again obtain by conquest the Administration itself. On the former occasion this attempt was greatly favored by circumstances. It was favored by its novelty—favored by the bad management of its adversaries. It has most of the same advantages now. They still possess in a superior degree the art of political management. They will be favored by circumstances, and if not by novelty, yet by the success of the former example. The tactics of the former war are again resorted to, and Roane comes forth as the champion of Virginia. There was also among the papers a copy of the President's answer to this letter, declining a positive answer upon the special point of Roane's assault, but giving countenance to it by referring to his own resistance against the right of the General Government to make internal improvements.

22d. The messenger of the Department of State, who calls every Monday morning at my house to take the letters of the Sunday's mail to the office, told me this morning that the President had returned last evening to the city. I called at his house, and Mr. Calhoun came in while I was there. I had some desultory conversation with him concerning the case of the French vessel La Jeune Eugénie and Lieutenant Stockton, and also concerning Jackson's transactions with Callava and Fromentin. These are all subjects of very insignificant import in themselves, but very important from circumstances and principles connected with them. The President is not a little embarrassed with them both. I have received a letter from him upon the affair of Callava, almost unintelligible. He directed a meeting of the members of the Administration at his house to-morrow at noon.

I had received last week a letter from Don Joaquin d'Anduaga, at Philadelphia, announcing his arrival there, and requesting to be informed when he could have an audience of the President to deliver his credential letter. I answered him this day, that the President, having now returned to the city, would readily grant him an audience to receive his credential; and that I shall be happy to see him at the Department at any time that would suit his convenience.

23d. There was a meeting of the members of the Administration at the President's at noon—Mr. Calhoun and Mr. Wirt present. The transactions in Florida were the subject of deliberation. There was first a military question. The new organization of the army began on the 1st of June last. From that time General Jackson's command ceased. He has continued to issue orders to the troops in the same manner as while he was in the military service. They have been obeyed; but Colonel Brooke, the officer in command at Pensacola, has written to enquire of General Brown whether he is subject to the military command of General Jackson and safe in obeying his orders. Brown answers not only in the negative, but expresses surprise that such a question should ever have been made. Brown's letter, however, passed through the War Department, and has not yet been transmitted to Brooke. The question was now discussed. The President and Mr. Wirt thought Jackson had no command. Calhoun inclined to the same opinion, but said he knew that Jackson had acted upon full deliberation and advisement.

I thought he had decided correctly, his commission having given him the powers not only of Governor, but of the Captain-General of Cuba, which was of course the military command in chief throughout the province. I observed that the military was the only executive power in the province, and that if the Governor had no military command he had no effective authority, no means of executing his decrees, administrative or judicial.

Mr. Wirt said he might employ the militia; but there was no militia in Florida.

Wirt said Jackson had organized counties and introduced juries. Could he not, by the same authority, have constituted a militia?

Perhaps he might; but how were they to be armed, officered, trained, disciplined? At what enormous expense must they be made effective, and all for a mere interval between the taking possession of the province and the next session of Congress, and all to perform a service which could be executed by a file of fifty soldiers, who have nothing else to do.

The President mentioned that this question had occurred last spring, and he had conversed with General Gaines concerning it. Gaines had at first been named as the officer to take possession of East Florida. But it had not then been thought necessary to decide the question. Gaines had told him he would take care that no collision should arise upon it between Jackson and him.

I asked what necessity there was for deciding it now. It was, after all, a mere question of form. If Jackson could not, as Governor, issue direct orders as a military commander, he could issue requisitions to the very same effect, and which the troops were just as much bound to obey.

Calhoun said they were now actually obeyed, and would be so till counter-orders should be received from hence. The question might therefore be left undecided. It was therefore postponed.

The next point considered was the controversy between General Jackson and Judge Fromentin. The opinion was unanimous, that as the only laws extended to the Territory were those of the revenue and against the slave-trade, Fromentin's jurisdiction was confined to them, and he had no right to issue the writ of habeas corpus to liberate Callava. But the President, Mr. Calhoun, and Mr. Wirt were of opinion that Fromentin, having issued the writ, though erroneously, in his judicial capacity, was not amenable for it to Jackson, and that Jackson had no right to summon him before him to answer for it. I thought he had. For, it being admitted that Fromentin had no right to issue the writ of habeas corpus, the act was an act of most dangerous resistance against Jackson's lawful authority, for which it appears to me he was authorized to summon Fromentin before him to answer for the contempt. I read the letter from Judge Fromentin to me of 6th September, and its enclosures; the language used in it is very intemperate and full of exasperation. At four o'clock the discussion was not near being exhausted, and the meeting was adjourned till to-morrow noon. The President had an anonymous letter warning him that there was a pamphlet against him about being published. He tore it up and burnt it, saying that he received many such letters.

24th. Adjourned Cabinet meeting at the President's. I received and took with me a letter from Governor Jackson, enclosing a proclamation ordering several Spanish officers who had remained there to depart from the province within four days. They had published in the newspapers a declaration highly insulting to him upon the affair of Callava. I told the President that upon further reflection I thought if he had made up his mind that General Jackson had no right to issue military orders to our troops stationed in the province, both General Jackson and Colonel Brooke ought to be informed of it, because cases might arise in which the legality or illegality of his orders might be of infinite importance. It appeared that in Callava's case there had been threats on his part of resistance by force, and of bloodshed, and that Colonel Butler's soldiers had primed and loaded their muskets in front of Callava's house. Violence might in the state of things there be expected, and if it should occur upon illegal orders issued after the Government have had time and opportunity to forbid them, blame would fall upon the Administration for the omission to give notice to the parties implicated, of the President's determination. The question as to the right was then discussed again.

Mr. Wirt argued the point, as he naturally and properly does all questions in the Cabinet, as a lawyer. He seemed to think that General Jackson's powers, being those heretofore exercised by the Provincial Governors, and by the Governor and Captain-General of Cuba, could have operation only upon the old inhabitants, and not upon citizens of the United States. And he remarked that the object for which these powers were conferred upon Jackson was to maintain the old Spanish inhabitants in the enjoyment of their liberty, property, and religion, provisionally, and until they can be admitted to all the rights and privileges of citizens of the United States. This was the stipulation of the treaty made for the benefit of the Spanish inhabitants. How, then, could Jackson exercise authority over citizens of the United States? How could he have any command of the army—the creature of the law, governed by the Articles of War, and having only the officers and commanders recognized by law?

All this appeared to me to be very sound reasoning, taking departure from the Constitution and laws of the United States, with all our principles restrictive of power, and our cardinal maxim of separating the civil from the military authority, and the legislative, executive, and judicial powers from each other. But nothing of all this is suited to the occasion. We have acquired a Spanish province, heretofore governed by arbitrary principles and by military rule. Congress had not time at their last session to introduce our checked and balanced system of government there. They continued, therefore, until their next session, the ancient system of government; and all the powers formerly exercised by the supreme rulers of the province were vested in the Governor. The military was their only Executive. To deny the Governor the right to command the soldiers was to strip him of all effective power. If citizens of the United States went into the province, they must go and abide there conformably to the law of the time and the place. They cannot carry the Constitution or the laws of the United States there with them. To this the authority of Congress is alone competent. The question whether Jackson can *command* the troops is a question merely of forms. And where there is nothing but form at issue, I cannot perceive the use of attaching much importance to it. The more direct the power to command is, the more effective it will be to its purpose; nor do I perceive any inconvenience in direct command more than would be incident to subsidiary requisition.

Mr. Calhoun expressed a doubt whether Jackson had the power to order the Spanish officers out of the province. Neither he nor Wirt seemed capable of realizing the exercise of absolute power by an American Governor. Calhoun said he was afraid the officers would not go; in which case Jackson would certainly send them to jail: in short, he lived, he said, in continual fear of hearing from mail to mail of some tragedy happening there.

I said that undoubtedly the Spanish Governors had and exercised the power of ordering all strangers out of the province, or of committing them to prison for the mere act of being there.

The question of Jackson's authority to summon Fromentin before him was yet more difficult. Calhoun and Wirt considered the issuing of the writ of habeas corpus as a judicial act performed in his official capacity, for which he was not personally answerable. I thought that, as it was agreed he had no right to issue it, he was at least so far answerable for it as to be liable to a summons to declare the authority upon which he had issued it. Calhoun put the supposition that it was *doubtful*. I said that it made no difference. Fromentin had legally the right to issue the writ, or he had not. If he had, he was not accountable to Jackson for issuing it; if he had not, as was unanimously agreed, he was. It was a very dangerous interference with the Governor's authority, and the doubtfulness of the question of his own right could not impair or in any manner affect the official powers of the Governor.

Calhoun said he had no doubt that Jackson's intentions were perfectly pure and upright; but his disposition was to exercise to its utmost extent every particle of power given to him. He had not sufficient regard to the genius of our institutions and to the popular opinion. And he observed that almost all the newspapers had taken side against Jackson on this occasion—even those which had supported him most strenuously in the affair of the Seminole War.

I said, with too much warmth, that I could not and would not consider the nature of *our* institutions, the transient popular opinion, or the factious comments of newspapers, as having any weight in the case. The enquiry was of justice and of power. Jackson's commission gave him all the powers of a Spanish Governor; he had exercised them only for the purposes of justice. It seemed to me absurd, after formally investing him with absolute power, utterly incompatible with all our institutions and habits and opinions, to blame him for using it to the only ends which could justify the use of them at all.

Wirt thought that Jackson ought to have had regard to the popular opinion, because the credit and influence of the Administration is affected by it, and the censure upon him for using the power would be shared by them for conferring it upon him.

The President said that Congress had extended to Florida only the laws relating to the revenue and to the slave-trade. In all other respects the system of Spanish government was continued till the next session. Here, then, were two systems, different and opposite in their characters, in operation at once in the same territory. For the American law, Fromentin was the judge, and in the exercise of his jurisdiction was independent of Jackson. For the Spanish law, Jackson was the judge, and independent of the authority of Fromentin. He thought, therefore, that Judge Fromentin had no right to issue the writ of habeas corpus, and that Jackson had no right to summon Fromentin before him. Each jurisdiction was independent of the other.

It was suggested by Mr. Wirt that as the government of Florida was, by the Act of Congress, to be administered by such persons and in such *manner* as the President should direct, instructions might be sent to Governor Jackson to exercise no authority but such as would be compatible with our institutions; and the President said he wished there might be as little exercise of authority as possible.

I said I thought such an order would be very dangerous, and equivalent to the suspension of all government in the province. While the discussion continued, four o'clock came, and, Mr. Wirt finding himself somewhat unwell, the meeting was again adjourned until to-morrow noon.

25th. Third successive day's Cabinet meeting. Calhoun and Wirt present. Mr. Calhoun again raised the question whether General Jackson had the right to banish the Spanish officers, and inclined to the opinion that if their remaining in the country after the expiration of the stipulated six months was a violation of the treaty, Jackson had only power to give them notice to depart, and, if they refused, to make report of their refusal to this Government. But the principal debate of this day was upon the transactions with Callava.

Mr. Wirt insisted that, as the Commissioner of Spain, Callava was entitled to the immunities of a public Minister, at least to exemption from the process of our judicial tribunals. I admitted that as Commissioner he was privileged to the extent necessary for the performance of his duties, but I thought his privilege ceased when those duties were performed and a reasonable time had been allowed him to depart. They ceased, at all events, at the expiration of the six months within which Spain had stipulated in the treaty that the province should be evacuated by her officers and troops.

Mr. Wirt made questions whether, by the stipulation that the officers and troops should be withdrawn, they were obliged to depart from the territory, or merely to evacuate the forts; also whether Governor Callava could be included under the denomination of an officer, and even if as Governor he could, whether his other character of Commissioner did not give him new privileges and a right to remain, even after the evacuation by the officers and troops.

These questions were embarrassing, but they appeared to me to be trifling niceties: that whether the Governor of the province was an officer seemed such cavilling, as well as that whether withdrawing implied evacuation of the territory, that I answered them impatiently and rather slightingly—which I regret, because Mr. Wirt was hurt by the tone I assumed.

Unruffleable patience and composure is essential to all sound deliberation; and I have not yet attained it in perfection.

Wirt said he had supposed that the very object of deliberation was to consider the subject in every light of which it was susceptible, and to anticipate every objection that could be made; to which I fully assented. The inclination of the President's opinion appeared to be against Jackson's proceedings upon all the points, though he has invariably been clear that Fromentin had no right to issue the writ of habeas corpus; but he has no doubt of the purity of his motives and intentions, and he is also convinced of the integrity of Fromentin.

I finally suggested that it would be proper, before coming to a decisive opinion upon the affair with Callava, to communicate to Jackson himself the complaint of Salmon, the Spanish Chargé d'Affaires, against him, with Callava's protest, and to wait and learn what he has to say in answer to them himself. In the mean time that I should write both to him and to Judge Fromentin, informing them of the President's views with regard to the questions of conflicting jurisdiction between them, and that the War Department should signify to him the President's opinion that he has no direct command of the troops. To all this the President agreed, and I took with me a sketch of the substance of an answer to the complaint of the Spanish Minister, which the President had himself drawn up.

Mr. Wirt, in support of his opinion of Callava's immunities as a Commissioner, cited and read two passages of Vattel.

26th. The President called at the office. He wrote me also two notes in the course of the day. He is yet hesitating as to the course to be pursued upon these transactions in Florida. In one letter he advised conceding to the Spanish Minister, in the first instance, that the Spanish Commissioner had been entitled to the immunities of a public Minister, but to insist that they had ceased on the surrender of the province, or had been forfeited by his misconduct afterwards. In the other, he thought the right itself to immunity ought not to be conceded. In the last of the notes he proposed to write himself to General Jackson, intimating that Fromentin, though he had no right to issue the writ of habeas corpus, was yet independent of his jurisdiction, and that the troops are not under his command. I have on no other occasion witnessed so much fluctuation and so much reluctance at coming to any decisive conclusion of procedure; at which I am not surprised. I made drafts of letters to Jackson and Fromentin, and began one in answer to the complaint of the Spanish Chargé d'Affaires, Salmon.

27th. I called at the President's house, and found him walking in his yard with Mr. Calhoun. He had my drafts of letters to General Jackson, to Judge Fromentin, and to the Spanish Minister in answer to the complaint of the Chargé d'Affaires, Salmon, and said he would keep them for examination. He said the more he reflected upon the subject, the more he doubted whether Callava had any just pretension to diplomatic privileges or immunities. He had been the Governor of the province, and then Commissioner for delivering it up. While he was Governor, he needed no privilege; he commanded in the place himself. When he ceased to be Governor, it was by executing his duty as Commissioner. When he had delivered up the province, his powers and rights in both capacities ceased, and he had no other privilege than to depart in peace. If he remained, it was without any privilege; and if it was fraudulently to withhold and carry away papers which he ought to have delivered up, what was this but attempting to make a privilege of his own wrong, and to turn his own misconduct into immunity? This idea is ingenious, and sets in a strong light the wrongfulness of the assertion of the claim of privilege. But is not every claim of privilege altogether distinct from the merits of the occasion upon which it is asserted?

28th. I received a note from the President, with the drafts of the letters to Governor Jackson and Judge Fromentin, with several amendments proposed by him. These amendments differing altogether from the ideas in the President's note to me of the 26th, and being liable to some other objections, I reserve both the drafts and amendments to speak with the President of them to-morrow.

29th. Don Joaquin d'Anduaga, appointed Envoy Extraordinary and Minister Plenipotentiary from Spain, came this morning to the office with Mr. Salmon, the late Chargé d'Affaires. He left with me a copy of his credential letter, and asked for an audience of the President to deliver it. He is the son of the Chevalier Anduaga, whom I knew as Spanish Minister to the Batavian Republic in 1796 and 7; brother to the wife of Zea Bermudez, whom I knew at St. Petersburg, and to the wife of Curtoys, with whom I was acquainted first at Berlin, and afterwards in London. He told me that his mother was dead, his father living, but very aged and infirm; that Zea is at Constantinople, and Curtoys in Italy. Mr. T. L. L. Brent, our late Chargé d'Affaires at Madrid, has given us reason to expect little satisfaction from the mission of Don Joaquin. He remonstrated, though without success, against his appointment, and has given us a very indifferent character of him.

I called on the President, who fixed on the day after to-morrow, at one o'clock, to receive Mr. Anduaga. Mr. Crawford was with the President, but just sufficiently recovered to attend to business. He was consulting the President about the appointment of keepers for two new light-houses in the State of Maine. After he went away, I mentioned to the President my objections to the amendments he had proposed to my drafts of letters to Governor Jackson and Judge Fromentin. These amendments in direct terms told each of those officers that he had no right to do what he had done. I observed that this might perhaps dissatisfy both of them. It might possibly induce both of them to resign, and then to make it a matter of controversy with the Administration. Fromentin might be appeasable, but Jackson had a strong hold on the affections of this people. There was now a clamor almost entirely factious against Jackson, because it was expected the Administration would support him; but if he should be harshly treated, and resign in disgust, there would be a reaction of popular opinion in his favor, and even those now the loudest in the clamor against him would turn in his favor against the Government. I had therefore in the drafts of the letters stated the President's opinion with regard to the right in terms clear and intelligible, but rather by inference than by express statement; and as to General Jackson, I had understood from the President's note of the 26th that it was his intention to write himself to the General.

He said, upon further reflection he had thought best that whatever should be written to General Jackson upon the subject should be official, and through the regular Departments; and it had occurred to him that in expressing his opinion of the errors of Jackson and Fromentin he should frankly acknowledge to them that his own omission to give them more special instructions was probably the cause of the difficulties which had arisen in their construction of their respective commissions.

I told him that all apology from a superior to a subordinate authority was incongruous; and if he thought it due to those officers to take a part of the responsibility for their errors upon himself, it would be better to introduce it into the communication to Congress than to make a direct acknowledgment of it to the officers themselves; with which he immediately concurred. I left the drafts again with the President for further examination.

I mentioned to him that I had observed in the newspapers that the case of the Jeune Eugénie had been tried by the Circuit Court at Boston, but the judgment of the Court upon it was postponed. I supposed that the judgment of the Court would furnish a suitable answer to be given to the demands of the French Minister. But the case of the Apollon remains to be tried in the Circuit Court in Georgia. Captain Edou has sued the Collector at St. Mary's, and the District Attorney in Georgia, appearing ex officio for the Collector, has written to enquire upon what grounds the legality of the seizure has been maintained diplomatically. I had taken to the President the letter of Mr. Gallatin to me of 2d July, and referred him to his note to Baron Pasquier of 28th June. I asked him if these papers were to be communicated with the rest to the District Attorney; and I told him they were to me unaccountable papers. In the note to Mr. Pasquier, Mr. Gallatin has taken a new ground of defence, the main objection to which was, that the fact was directly against it; as the evidence which we ourselves shall be obliged to produce would prove. But in his letter to me he pronounces dogmatically against all our grounds, and at the same time totally demolishes his own. The President desired me to send the letter and note round to the other members of the Administration, and said he would consult them upon what was to be done. He wished particularly to consult Mr. Crawford, to whom especially the original responsibility of the measure belonged. The Treasury Order had issued in May, 1818, when he himself was absent from the city; at least he thought so; not that he wished to evade the responsibility of having afterwards approved it, but whatever was to be done should be with Mr. Crawford's approbation or knowledge.

30th. I received a note from the President, with the drafts of letters to General Jackson and Judge Fromentin, and to the Spanish Minister in answer to Mr. Salmon's complaint. The President does not adhere to the amendments which he had proposed, and only suggests two or three slight additions to the draft.

31st. At one o'clock I presented to the President Don Joaquin d'Anduaga, who delivered to him a credential letter as Envoy Extraordinary and Minister Plenipotentiary from the King of Spain; with which he made a very short complimentary address. The President answered it in few words, expressive of interest in the welfare of Spain, in general terms. He then enquired of Mr. Anduaga concerning his father and family. He had first become acquainted with them at the Hague in January, 1797, where I met him, among other places, at the Chevalier d'Anduaga's house. He was afterwards Spanish Minister in London when Mr. Monroe was there from this country. Don Joaquin said that he had been charged by his father to remember him kindly to Mr. Monroe; that he was very aged and infirm, so that he (Don Joaquin) had been obliged to leave his wife in Spain to attend to his father. The whole audience took not more than fifteen minutes.

November 1st. The Baron Hyde de Neuville, the French Minister, came to the office and mentioned to me that at the late trial of la Jeune Eugénie at Boston the French Consul had presented a protest against the jurisdiction of the Court, which the Court had declined receiving, and the Consul had written to him for instructions. He wished to agree with me upon the manner of effecting this interposition on the part of the French Government, and came therefore to ask of me an answer to his letter of 24th August last, in which he demanded that the vessel should be delivered up.

I told him that the President had been constantly inclined, from the time when he first made the demand, that the vessel should be delivered up, but that the capture had been made on the presumption that she was an American vessel; and the case was regularly before the judicial tribunal, from which the President had no power to take it. The Government was therefore under some embarrassment how to proceed in the case; but I presumed the vessel would ultimately be delivered up, as we utterly disclaimed the right of searching French vessels in time of peace, and were resisting to the utmost the effort of Great Britain to obtain such a right by treaty. With regard to the mode of interposition, and also to the principle of delivering up a foreign vessel even after judicial cognizance had been taken of her case, the Baron mentioned a case decided by the Supreme Court of the United States, and reported in the seventh volume of Cranch's Reports—the case of the *balaou* or schooner Exchange. And he said he had in manuscript the decision of Judge Peters in the District and of Judge Washington in the Circuit Court. He referred also to a correspondence in 1801 between Lord Hawkesbury, then British Secretary of State for Foreign Affairs, and the Danish Minister, Count Wedel Jarlsberg, for a precedent of vessels delivered up by an executive order after an answer in the first instance that they must abide the result of a judicial trial. These papers are in the Supplement, vol. ii. p. 442, of Martens's Collection of Treaties. I asked the Baron to furnish me these precedents; and he afterwards sent them to me by the Count de Menou, together with a late correspondence between the British and French Governments, in which the former not only delivered up a French slave-trader captured by a British cruiser from Sierra Leone, but apologized by anticipation for the capture without waiting for a complaint.

Mr. Calhoun called at my office, and spoke of affairs in

Florida. He said he felt himself much relieved by the address of General Jackson to the inhabitants of Florida, published at the time of his departure from Pensacola. It was extremely well written, and remarkable for dignity and moderation. This would much diminish the unpopularity of his late measures; and if he should resign, as he had intimated, his intention of doing it would go still further in assuaging the public temper. I showed him the draft I had made of letters to Jackson and Fromentin, and read to him that to the Spanish Minister in answer to Salmon. Mr. Calhoun still thinks that Callava was entitled to exemption from arrest of his person, or seizure of his papers, by his character of Commissioner. His argument is, that as Commissioner it was his duty to deliver the papers; it was his duty to make the selection of the papers from all those that were in his possession; he was to judge and decide which were to be delivered up and which to be detained. If he had been unfaithful in the discharge of this duty, we had a right to complain; to demand the delivery of the papers wrongfully detained by him; to call upon his sovereign to punish him; but not to use force to obtain the papers, still less to imprison his person. It was in his character as Commissioner that he withheld the papers. To use force to obtain them was, therefore, violence upon his official character, bearing precisely upon the point in which, and for which, he was privileged.

This argument presents the claim of immunity in its strongest light; but I still think that the Commissarial character and its privileges had doubly terminated—first, by the surrender of the province; and, secondly, by the limitation in the treaty. And I said if it had not, I should be disposed to say of it what Hume says of the execution of Don Pantaleon de Sa, the brother of the Portuguese Ambassador, by Oliver Cromwell, for a murder—that although the laws of nations were violated, it was by a signal act of justice deserving universal approbation.

Calhoun said he had much rather the affair should not have happened, for it would be used as an engine of faction against the Administration. There was a party very busy in decrying the Administration as anti-republican and regardless of the

Constitution. Every incident of this kind would give them opportunity to rouse clamor, of which they would not fail to take advantage. This I admitted, but observed that I placed great reliance upon the ultimate rectitude of public opinion. In this case the utmost extent of the injury done was the imprisonment of Colonel Callava one day. The benefit secured was the saving of a family of orphans from ruin. It was impossible that the people of this country should permanently censure the attainment of the substantial ends of justice from a respect for forms, venerable indeed as instruments to the same ends, but which lose their nature when perverted to evil purposes.

2d. I mentioned to the President the application of the French Minister yesterday upon the case of "La Jeune Eugénie," and the letter I had received the day before concerning it from G. Blake, the District Attorney, who is very confident that the vessel will be condemned. Blake had argued to the Court that, even if she was a French vessel, the Court ought not to sustain the claim of a French claimant if it appeared that she was engaged in a trade prohibited by the laws of France. The Baron was alarmed at this doctrine, as coming from the public officer of the United States, though I told him it was merely by way of argument as counsel, and the Court would not so decide. I left the papers with the President, who directed that a meeting of the members of the Administration should be called to consider of the case at noon to-morrow.

3d. Cabinet meeting at the President's at noon. The case of la Jeune Eugénie was discussed with much diversity of opinion as to the measures to be pursued, the President inclining to order the delivery of the vessel to the French Consul by direct authority; with which opinion Mr. Crawford concurred. Mr. Thompson strongly inclined against any Executive interference, but was for leaving the cause to the decision of the Court. If they should decide against their own jurisdiction, the vessel would of course be restored. If they should sustain it, that would furnish an answer to the French Minister, with which he and his Government ought to be satisfied. Mr. Wirt also had great scruples about the propriety of Executive interference with judiciary proceedings, and it was observed that the precedent of the schooner Exchange, in Cranch's Reports, did not apply, that vessel having been claimed by the French Minister as a public vessel. It was contended that here the question was of the national character of the vessel, and whether that was to be considered established beyond all enquiry merely by the flag or the papers. If the mere exhibition of the flag precluded all examination, it was in vain to enact laws against the slave-trade; for it were preposterous to suppose that the slave-trading vessel would show the flag of a nation with a cruiser under the same flag in sight, when the mere hoisting of another flag would shield her from all examination.

After long debate of these questions, I suggested that the precedent in the case of the Exchange should be followed in regard to the communication with the Circuit Court; that the District Attorney should be instructed to make a suggestion to the Court, that the French Minister had demanded the delivery of the vessel as a French vessel, amenable only to the jurisdiction of French tribunals, and that the President considered the claim to be well founded; the Court would act upon this suggestion as they should think proper. If they should decide to deliver up the vessel, the claim of the French Minister would be admitted, and the question at an end. If they should maintain their own jurisdiction and condemn the vessel, they would assign reasons for their decision, which would be subject to reversal or revisal by the Supreme Court of the United States, and furnish the answer to be given to the claim on the part of France.

After much desultory conversation, it seemed to be agreed that this course should be taken; but, as Mr. Thompson was still dissatisfied with it, and Mr. Wirt still expressed doubts, I proposed to the President to take a formal opinion of the Attorney-General after he shall have read all the papers sent to me by the French Minister as precedents; to which the President assented.

There was also something said of a vessel called the San José, now fitting out as a piratical privateer at Baltimore. Mr. Canning had some time since given notice of this vessel, and there has since been a complaint from the Spanish Consul to the Collector. Several expedients were suggested by the President and by Mr. Crawford: to order the revenue cutter to accompany her out to sea; to put a file of soldiers on board, with orders not to leave her until she shall be seventy miles out from the coast; to station officers of the customs on board of her, etc.; but there appeared to be nothing positively determined. She entered at Baltimore as a Colombian merchant vessel in ballast. She has been ostensibly loading a cargo of flour; but cannon have been purchased for her, and seamen enlisted at high wages, with great notoriety. Their practice is to clear out from Baltimore as merchant vessels, and to take in their guns and seamen down in Chesapeake Bay.

We had evening visits from Governor Cass, of the Michigan Territory, and from Mr. William Lee; but I was obliged to leave them and attend in my library Messrs. Caldwell and Law, who came to take a continuation of my deposition.[1] They had already this evening taken that of Mr. Calhoun at his house. They came between seven and eight in the evening, and were with me till near eleven, without being able to get through. Mr. Caldwell therefore wrote a line to Philadelphia, to say that the Commission could not be closed till next week, and we adjourned to meet again on Monday at my house. I told them I should wish to keep copies as well of my own answers as of those of Mr. Crawford and Mr. Calhoun, and desired them to leave the papers with me, that I might have copies of them made out. They left them accordingly, except the answers of Mr. Calhoun, which, being much interlined and almost illegible, Mr. Law said he wished to write over again. I told them I should wish one of my own answers also to be written over again and much enlarged, having, by a close examination of my diary of February and March, 1818, found many particulars minuted at the time serving to confirm my former testimony, and which I wished fully to disclose; to which they agreed.

4th. I employed the remainder of the day and the evening in writing my answers for the interrogatories and the extracts from my diary. They confirm my former testimony even beyond my expectations. My nephew made me a copy of the commission and interrogatories, and my son, of Mr. Crawford's answers. I find great advantage in having kept copies of my answers under the former Commission. Mr. Crawford's character is fully developed in Governor Clarke's pamphlet, and, after reflecting upon the lineaments of that portrait, I cannot be surprised at anything bearing the mark of congenial features. A worthless and desperate man, against whom I have been compelled to testify in a Court of justice, attempts, in the face of his own conscience, to save himself from infamy by discrediting my testimony, and finds in Mr. Crawford a ready and willing auxiliary. To support him in this scandalous purpose, Crawford solemnly deposes in a Court of justice that which is not true. I cannot yet bring myself to believe that it has been by wilful falsehood. Ambition debauches memory itself. Crawford has positively sworn to things as requested by me, which by his own showing he knew only by hearsay from the President. I never did request them. He has sworn to things as having been told him of my saying in February, 1818, bottomed upon facts which I did not know till the following March. In the fairest possible view that can be taken of his deposition, he began by a gross and total misconception, and has ended by a misrepresentation equally gross and total of the whole subject. He has blended and confounded times and circumstances, and represented as a formal statement of my evidence given before him and Calhoun of what I considered as a mere casual answer to a question from him, and at a time when I have all but absolute certainty that Calhoun was not even present. He has sworn so positively that I began even to mistrust my own memory, and to fear there had been some strange misunderstanding of my own, till by recurrence to my diary I find my own recollections confirmed by the minutes which I made at the time. May the law of truth be ever upon my lips, and that of honor ever in my heart!

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[1] In the suit of Harris *vs.* Lewis, already mentioned.

5th. Caldwell and Law came to my house this morning, and I left them in my writing-room to copy the answers which I had written to the remaining interrogatories. They afterwards came to the Department, and continued writing in the audience-chamber, opposite my own office. I left them there at five; and about two hours after, they came to my house and took my signatures to my answers. Then they went to Mr. Calhoun's to close the Commission. There was one interrogatory put on the part of Harris to the witnesses, excepting me and Joseph Gales (to whom there were also interrogatories put concerning publications in the National Intelligencer, but who is now absent at New York), calling upon them to testify to their own memories. This question Mr. Crawford did not at first answer, and when I observed it to the Commissioners, they told me it was not answered. I understood them it was waived. Mr. Calhoun answered that his memory was tenacious of results, but not of details. This evening, when the Commissioners came to take my signatures, I found that Crawford had this day answered this last interrogatory, swearing stoutly to the goodness of his memory, and referring, for confirmation of its accuracy in the statement he made of my request to be heard before him and Calhoun, to the fact that I did make that which he had understood the President to say I had to make, and that he told Harris of it immediately afterwards. And for confirmation of what he had stated me to have said afterwards in the winter of 1819—that he had also told Harris of that immediately afterwards.

I desired a copy of this last answer of Crawford's, which Law immediately made; but it did not occur to me to add to my own deposition, which already stated that I had read the answers of Mr. Crawford, that it was with the exception of this last one, or to make any remarks upon it. In truth, the remarks that I should make upon it are better suppressed, if, as I believe, they are not absolutely necessary to confirm my own testimony. I have proved it impossible that I should have made the request at the time when he says the President told him I had; and I have shown to demonstration the truth of the assertion in my former deposition, which Harris has been attempting to disprove. But the most remarkable fact elicited by this last interrogatory is the admission by Crawford that he told Harris, immediately after they occurred, things said by me in confidential consultations of the Executive Administration. And on one occasion when this was on my part only a consultation between me and the President, to which he was knowing only by accidentally coming in while I was consulting the President, and being asked by the President, as an Executive officer, his opinion upon it. That he should immediately go and tell this to Harris is an unequivocal trait of character. That in these private communications to Harris he should have misrepresented the facts owing to misconceptions of his own, is not at all surprising. Moral principle and sound understanding are generally very closely allied. He certainly did misrepresent the facts to Harris, and thereby has reduced himself to the necessity of making this acknowledgment, which it is evident he did very reluctantly. In his first answers he only stated that he had told Harris what I had said in March, 1818, and assigned as his motive that it was to convince Harris that I was not his enemy. He then waived answering the question about his memory, and said nothing of his having divulged to Harris what I had said at the consultation with the President in January, 1820. This he brings out after having read Calhoun's answers and mine, which discredit every material part of his testimony. For Calhoun's answers are as contradictory to Crawford's, upon the facts which passed between them, as mine are to that part which concerns me. Crawford's deposition is throughout marked by a prevaricating spirit of embarrassment, bred by his confidences to Harris under his own misconceptions. Calhoun had already spoken to me of this interrogatory about the memory, and said he was confident it had been suggested to Harris by Crawford's telling him of a conversation between Calhoun and himself. Immediately after Harris commenced this action against Lewis, he went to Calhoun, to enquire of him what he would testify as to the examination by Crawford and Calhoun, in March, 1818. Calhoun, expecting to be called to testify, declined having any private conversation with Harris on the subject. Last summer, when Harris came here with the avowed purpose of falsifying my testimony, he applied again to Calhoun to sound him, and found that his recollections did not agree with those of Mr. Crawford. Crawford about the same time called on Calhoun, and they had some discussion as to the substance of the report they had made to the President in Harris's case. In this discussion Calhoun said to Crawford, "Your memory may be better than mine as to the details, but I am entirely confident of my own as to the results and general impressions." Now Calhoun concludes that Crawford must have told Harris this conversation, and even his remark about their respective memories; as I have no doubt he did.

Mr. Canning called at the office with a letter from the British Commissioner under the fifth article of the Treaty of Ghent. He said the Commissioners had not been able to agree upon their decision, which he was very sorry to learn. But the object of this letter was to apply for seventy-two sheets of mapping paper, wanted by the engineer of the British party to make two maps of the country surveyed; to accompany the report of the British Commissioner to the two Governments. There must be one map for each. The paper is made only in France, and there is none to be procured in this country except what is in the possession of the War Department.

I told Mr. Canning that I would make enquiry of the Secretary of War, and had no doubt the paper would be furnished if we had it. I regretted with him the disagreement of the Commissioners, and said I hoped we should find some easier and more expeditious way of settling the boundary than by a reference to a third power, though that was the mode stipulated by the treaty. We have already found some inconvenience in the reference to a third party of another question—a perfectly simple one, being only of the construction of a single sentence; but this, a question of disputed boundary, upon which the Commissioners, after five years of investigation, surveys, and arguments, had not been able to agree, a foreign sovereign, I thought, would never be able to comprehend, much less satisfactorily to decide.

Mr. Canning spoke also of his application for delivery of the Newfoundland pirates. I said I had the more readily delayed answering him from the hint I had given him from the beginning, that we could not comply with the request. He again referred to the opinions of writers on the laws of nations, that atrocious criminals ought to be given up. I said the practice was different by different nations; some did and some did not deliver up. With us, it was a question of authority. The President had not the power to deliver a man up. Canning mentioned that he had read with much satisfaction the argument of Chief-Justice Marshall when he was a member of the House of Representatives, in the case of Nash or Robbins.

6th. I asked Calhoun if Caldwell and Law had closed the commission last evening. He said they had; that he had read part of my answers, and saw the benefit of keeping a diary. He again adverted to the interrogatory about the memory, and said he thought it very strange that Mr. Crawford, whom he had told that he had expressly declined holding any conversation with Harris about that to which he was to testify, should, by telling Harris of what Calhoun had said to himself in private conversation, make Calhoun thus to converse with Harris indirectly. He agreed with me in thinking that Crawford's conduct now is forced upon him by his having committed himself with Harris, by telling him according to his own misconceptions what had passed in the President's Cabinet before.

He said that he had been himself obliged to have an explanation with Crawford upon another affair. A question had arisen upon whose recommendation General Flournoy had been appointed a Commissioner to treat with the Creek Indians. Crawford had written to some one in Georgia that it was upon Calhoun's recommendation, when in fact it had been upon his own. Crawford had finally written a letter making some explanatory comment upon it—but so was the fact.

I called then at Mr. Wirt's office, and had a conversation with him on the case of la Jeune Eugénie. I found him still strongly averse to giving up the vessel. He said it did not appear to him to involve at all the right of search. It was a question of fact whether the vessel was French or American, and whether the mere hoisting of a foreign flag or show of foreign papers precluded all enquiry. If it did, the Act of Congress was of no avail, and all legislation against the slave-trade would be vanity. In this case the vessel was American built, and had been American property. She had an act of Francization, or French Custom House paper, issued at Guadaloupe in 1819. But these papers were merely formal, issued of course on payment of a small sum of money. They were no indications of property. Now, the property having been originally American, why should not the French claimant be required to produce the usual evidence of transfer, a bill of sale? It was notorious that the slave-trade was now carried on by many of our citizens under cover of Spanish and French names and papers, and if we should so readily give up this vessel, would it not have to the world the appearance of our conniving with France in these impostures?

I told Mr. Wirt that it seemed to me that this question was, whether in time of peace the commander of a public vessel of one nation has a right to *board* the merchant vessels of another. The decision of Sir William Scott in the case of le Louis resolves itself into the denial of that right. I thought the right could not be maintained. By the law of nature no vessel has a right to board another at sea without its consent. Our public vessels have no right to board our own merchant vessels, except as expressly authorized by Acts of Congress. But Congress cannot authorize them to board foreign vessels, even to ascertain whether they are American or not; because the act in general cases cannot be performed without inconvenience to the party boarded. The right of one vessel to board another in time of war arises from the state of war; it is established by the usage of nations, and is restricted to particular purposes. In time of peace there is no such usage; if there is, it must be found in the books of the law of nations. I know of none such. With regard to the slave-trade there can be none such, because all the Acts prohibiting it, as well our own as those of other nations, are new.

Mr. Wirt said he thought it would be a very dangerous principle to assume that the mere exhibition of a flag should shield a vessel from all examination. He said he would write to Baltimore for the volume of Dodson's Reports containing the decision of Sir William Scott in the case of le Louis, and I promised to lend him the third volume of Barnewall and

Alderson's Reports containing a late decision in the Court of King's Bench on a slave-trade case.

7th. Called at Mr. Wirt's office with the third volume of Barnewall and Alderson's Reports. We had further conversation upon the case of la Jeune Eugénie. Mr. Wirt said he had prepared his opinion that if the President had concluded to deliver up the vessel, the precedent in the case of the schooner Exchange ought to be followed; but he was afraid it might produce some collision between the Executive and the Judiciary, and the more he reflected upon it the more he doubted the propriety of the delivery.

We then went over the whole course of argument of yesterday again, but, I think, without adducing anything new on either side. I told Mr. Wirt that as he entertained so earnestly these opinions, and as the Secretary of the Navy had strongly inclined the same way at the last Cabinet meeting, and as I was myself not without doubts, I should advise the President to hold another general consultation before coming to his final determination. I called, accordingly, at the President's, and gave him that advice, to which he immediately assented. He appointed to-morrow at noon for the meeting.

8th. There was a Cabinet meeting at the President's at noon, when the case of la Jeune Eugénie was again reconsidered. Mr. Wirt repeated his objections to the delivery of the vessel, and I again stated my opinion that the flag must be considered as the protection of the vessel from being even boarded in time of peace. Mr. Thompson warmly contested this, and asked how pirates could ever be taken with such a principle. It was admitted that pirates, and even vessels suspected of piracy, might be boarded, whatever flag they assumed, and by the public armed vessels of every nation; but it was by a belligerent right—pirates being at war with all mankind. It was also customary for nations to authorize the boarding of vessels hovering upon their coasts though at some distance beyond their territorial jurisdiction. Great Britain authorizes this boarding at two leagues' distance from the shore, and our Collection Law gives the same authority to our revenue cutters at four leagues' distance from our shore. Thus against piracy, and for the execution of revenue laws and the suppression of smuggling, a limited right of boarding is authorized by the usage of nations. In these cases the flag is no protection, because the right is exercised avowedly over the vessels of all nations. But there is neither right nor usage to board the vessel of a foreign nation to enquire whether she is engaged in the slave-trade, or even whether her flag has been assumed or not. The utmost that can be said, therefore, is, that if the commander of one of our public armed vessels boards a vessel under a foreign flag, it is at his own and his nation's peril. If she prove to be American, he may seize and bring her in with impunity. But should she prove to be really foreign, he is not only responsible for all damages to the party boarded, but his Government is bound to make reparation to the Government of the other for the injury to its flag. The very expressions in common use appear to indicate the general impression of mankind, that the protection of a vessel against molestation from others is her flag. And I cannot understand the decision of Sir William Scott in the case of le Louis in any other light than as denying the right of boarding. As to the authority to deliver up, it must in this case be consequent upon the decision of the Court, consequent upon the suggestion to be made by the District Attorney.

Mr. Thompson and Mr. Wirt questioned whether the French Minister sufficiently asserted the vessel to be French, and thought it quite probable that if tried in France the defence for her would be that she was an American vessel. Mr. Wirt said that admitting there was no usage of nations to authorize boarding for suppression of the slave-trade, there was such an usage for other purposes, and that usage must at some time have commenced; it was then founded in reason. The prohibitions of the slave-trade are all recent. The right of boarding vessels to carry them into effect cannot, therefore, be ancient; but the *reason* upon which the old usage first arose, and upon which alone it must have rested when it was new, applies equally to the laws against the slave-trade now. It was merely a new application of an old principle.

But I insisted that, even if the reason were the same, a new application of it so seriously affecting the right, convenience, and even safety of navigators could not be made but by common consent.

Mr. Crawford and Mr. Calhoun continued decidedly of opinion that the vessel ought to be given up. But Crawford observed that the papers decisively proved the insincerity of France in her pretended abolition of the slave-trade; for here it appears that these vessels had undergone the examination of the French cruisers stationed upon the coast, and passed inspection by them as engaged in lawful trade, while it further appears that one of the same vessels, after being re-captured, returned to the coast, took in a cargo of slaves, carried and landed them in the face of day at Guadaloupe.

The President had inclined to the opinion that the vessel might be delivered up by Executive authority alone, and mentioned the case of a number of captured vessels which were so delivered up at his application by the British Government in 1806, Lord Mulgrave being the Secretary of State for Foreign Affairs. It was, however, concluded that the District Attorney at Boston should be instructed to make the suggestion to the Court, and they would then decide as they should see fit. The answer to the French Minister would be regulated by their decision.

At this meeting it was also concluded that the note from Mr. Gallatin to Baron Pasquier of 28th June last, on the case of the Apollon, should not be sent to the District Attorney in Georgia, to be used in the defence of the Collector of St. Mary's against the action of Captain Edou. Mr. Crawford first thought it might be sent, as enforcing the view heretofore taken by him, that there was no Spanish jurisdiction upon the spot where the Apollon was seized. But Gallatin's assertion is, that we had virtually taken possession of the spot in taking possession of Amelia Island. Now, this is directly contradicted by evidence which we ourselves shall be obliged to introduce—which I explained to Mr. Crawford; and he then said it would be best not to send a copy of Gallatin's note. He said also that this affair had brought up another claim for indemnity to the concerned in a British vessel which, under the Treasury Order of May, 1818, had been compelled to depart.

The most extraordinary part of Gallatin's conduct is, that after a long argument to the French Government upon grounds entirely new and different from those we had taken here, he gives us distinctly to understand that he considers all these grounds, ours and his own, as not worth a straw. I asked Calhoun to-day what he thought it could mean. He said perhaps it was the pride of opinion. I think it lies deeper. Gallatin is a man of first-rate talents, conscious and vain of them, and mortified in his ambition, checked, as it has been, after attaining the last step to the summit; timid in great perils, tortuous in his paths, born in Europe, disguising and yet betraying a supercilious prejudice of European superiority of intellect, and holding principles pliable to circumstances, occasionally mistaking the left- for the right-handed wisdom.

There was something said at the President's also of a question about the jurisdiction of Carleton Island, in the river St. Lawrence. Mr. Thompson, the Secretary of the Navy, had received a letter upon the subject, which was given to me. There was already a letter concerning it, with enclosures from the Governor of New York, to be answered.

9th. I made a draft of a letter to the District Attorney at Boston, G. Blake, and took it to the President. Another question arose, upon which I took the papers to him. A soldier (marine) has been sentenced by a Court-martial to be shot for mutiny. The President confirms the sentence, but wishes to grant a conditional pardon, commuting the punishment. There is an opinion of the Attorney-General that the President has authority to grant conditional pardons, provided the condition be congenial to the spirit of our Constitution and laws and recommends that the condition be a disgraceful expulsion from the service, and a disqualification for life to enter it again. Mr. Colvin, to whom the papers were given to make out the pardon, brought them back to me, suggesting a doubt whether a condition could be prescribed not in the power of the party himself to perform, but depending on the performance of others, and also, whether the disqualification can be carried into effect; for the officers of the United States might hereafter enlist him without knowing of his disqualification, and if he should enlist, the Government could no longer carry into effect the sentence for his execution.

I did not see the indispensable necessity that the condition of a pardon should be performable only by the person pardoned himself, if it could be carried into effect by order of the Government prescribing it; nor that the culprit would not be liable to execution if he should violate it himself by afterwards enlisting. But I thought the commutation was too great a mitigation, and substantially equivalent to an absolute pardon. After a sentence of death, no mere expulsion could well be ignominious, and disqualification would scarcely be a penalty. I therefore proposed to the President that the condition should be the man's departure from the United States and never returning; of which there has already been one precedent in the first term of this Administration.

The President assented, and desired me to write to the Secretary of the Navy requesting him to instruct the commander of any of the public armed vessels going abroad to take the man and land him at some convenient foreign port.

10th. Mr. William Shaler, Consul-General to the Barbary Powers, came this morning to the office. He has a leave of absence from his station for one year from last April, which he wished to have prolonged a month or two more. He spoke of the settlement of his accounts, and mentioned two or three charges in them of a contingent nature and of which he should claim allowance. I desired him to make a written statement of them in the form of a letter to me, and promised to lay them before the President for his consideration. It was discovered by Shaler's being here that there is a treaty with Algiers which has been here nearly five years, and which has not yet been laid before the Senate. It was made by him and Commodore Chauncey in 1816, and was received here in the interval between Mr. Monroe's removal from the Department of State and my entrance into it. I never had been informed that there was such a treaty here. It is, with the exception of a single article, the same as that which had been previously concluded by Shaler and Decatur, and which remains upon the law-books as the existing treaty.

13th. Mr. Stevenson, a member of the Legislature of Pennsylvania, came, and brought me a letter from Charles Shaler, a person unknown to me, urging intently the Statesman newspaper for re-appointment to print the laws of Congress.

I told Mr. Stevenson that by a standing rule of the Department the paper would be re-appointed of course, unless some representation to the contrary should be made by the delegation from the State. He said that possibly Mr. Baldwin, the Representative from the district of Pittsburg, where the Statesman is published, might recommend some other paper, but the majority of the delegation would not, and the democratic party in that part of Pennsylvania would be totally averse to a change. Mr. Baldwin, he said, had pursued a course of conduct of late not altogether satisfactory to that party, especially with regard to their State politics. I told him that Mr. Baldwin had never expressed a wish for the appointment of any particular paper to print the laws, and I had no reason to expect that he would at the ensuing session of Congress; but if he should, I would not make any change without giving notice, so that the members of the Legislature from Pennsylvania may have the opportunity of signifying their wishes on the subject.

I asked the President what answer should be given to Governor Clinton's letter about Carleton Island. It had been in possession of the British till the late war, was taken in 1812, and has not been restored since the peace. In 1817 the Legislature of New York made it part of the county of Jefferson, in that State. Last March they granted five hundred acres of land upon it to Charles Smyth; and in August the Collector of Kingston, Upper Canada, sent and seized and carried away a quantity of tobacco consigned to and in the possession of Smyth. He appeals immediately for protection to the Governor of New York, and complains that if not supported he must break up his establishment and abandon the island. The Governor then writes me that as the island is within the actual jurisdiction of the State of New York, he should direct that any future molestation of the same kind should be met by resistance, but he thinks proper first to consult the opinion of the President of the United States.

I told the President there was in this case a dilemma. If he should concur in opinion with the Governor of New York, it would authorize immediate hostilities with the British Government in Canada; but if he should discountenance that, and advise forbearance, the establishment on the island would be broken up and some of the inhabitants probably ruined.

The President desired me to send the papers round to the members of the Administration, and to call a Cabinet meeting for the day after to-morrow, at noon.

I left with the President the Spanish Minister Anduaga's letter complaining of the piratical vessel fitting out at Baltimore. He said that measures had already been taken, but he would consult the Secretary of the Navy, and endeavor to take yet others. He added that he thought the Spanish Minister assumed in his note a very high tone; as he certainly does.

I told him I was afraid Don Joaquin would verify the character given of him by T. L. L. Brent, and give us much trouble; but, from the present condition of Spain, I hoped we should have nothing worse than a war of words.

The President also directed me to send round to the members of the Administration a very interesting dispatch just received from R. Rush, containing a statement of the commercial views likely to prevail in the British Government.

15th. Cabinet meeting at the President's. All present except Mr. Crawford, who was unwell. He had all the papers relating to the Carleton Island question, but did not receive those sent yesterday from the Department of State till two o'clock this day. There were other papers which I had not seen—a letter from the Collector at , Esselstyn, to the Secretary of the Treasury, written in May last, the answer in July, and Esselstyn's reply in August, after the seizure of the tobacco by the Collector of Kingston, Upper Canada. From all these papers it appears that Carleton Island is within a mile of the American shore, at a place where the river St. Lawrence is twelve miles wide; that it was held by the British during the Revolutionary War as an appendage to Canada—partly evacuated in 1784, again in 1789, but a corporal's guard was kept upon it until the late war, when, in 1812, they were made prisoners, and, in 1813, the buildings were destroyed, by people from our side. After the peace, possession was not resumed by the British. In 1817 the Legislature of New York annexed it to the county of Jefferson, and last March granted five hundred acres of land upon it to this Charles Smyth, who has also obtained an appointment as Postmaster from the Postmaster-General of the United States. But from the letters of the Collector Esselstyn, as well as from various other indications, it is apparent that the place and the unsettled state of its jurisdiction afford great conveniences for smuggling between the borders of New York and Canada, and there are some reasons for surmising that this was the object of Mr. Charles Smyth's establishment.

The question was, what answer should be given to Governor Clinton's letter, proposing to maintain the jurisdiction by force.

Mr. Calhoun and Mr. Wirt inclined to the opinion that we should explicitly disclaim the jurisdiction until the report of the Commissioners under the sixth and seventh articles of the Treaty of Ghent shall be made; it being apparent that the possession was in the British till the late war, and there being an express stipulation that the places taken during the war should be mutually restored.

Mr. Wirt, however, hinted a doubt whether the British possession itself had been effectively maintained, referring to the partial evacuations of 1784 and 1789. But it seems to me that a corporal's guard was as effective to maintain an uncontested possession as the army of Xerxes; and that the possession was uncontested until the war of 1812 is apparent from all the papers.

Mr. Thompson, a citizen of New York, in the interest adverse to Governor Clinton, thought we should maintain the jurisdiction and consider the seizure by the Collector of Kingston as an act unauthorized by the Canadian Government; although at the time of the seizure the officer himself who made it had declared that it was made by the express orders of the Governor. Thompson thought that if we should decline maintaining the jurisdiction, Clinton would undertake it himself—would authorize force to be used, and then make it a subject of reproach and clamor against the General Government that they had abandoned the right of the State of New York. I thought this opinion a little tinged with party prejudice. The President thought I should write to Mr. Canning a statement of the facts, complain of the seizure by the Collector of Kingston, thereby disturbing the actual state of things while the question of the jurisdiction was "sub judice" before the Commissioners, and request his interposition with the Canadian Government to prevent any further molestation by them of the people on the island until the decision of the Commissioners, which it is not doubted will assign the jurisdiction to the United States. And then that Governor Clinton should be answered by referring to the fact that the State of New York has not yet an established right of possession, wherefore the President cannot authorize or countenance the proposal of maintaining it by force. After about two hours of discussion, without coming to any positive conclusion, the meeting broke up, and the President kept the papers, saying he would further examine them, and then give me directions with regard to the answer to be made to Governor Clinton's letter.

There were also the papers in the case of Joseph F. Smith, a slave-trading captain of one of the Baltimore vessels, covered by Spanish papers; convicted before the Circuit Court in Boston, and sentenced to three years' imprisonment. Last winter he procured petitions from many respectable persons in Baltimore for his pardon, upon a pretence trumped up that there were two witnesses whose testimony he failed of obtaining at the trial, and that it would probably have obtained a verdict in his favor. The petitions were referred to the Attorney-General, who recommended that the District Attorney at Boston should be written to, and enquiry made what would probably have been the effect of the testimony of the two additional witnesses. Blake answered that the fact which it was pretended their testimony would controvert was established by proof so clear and unequivocal that the testimony of many witnesses to the contrary would probably not have shaken it in the minds of the jury; and a particular statement of the case as proved at the trial, drawn up by Judge Davis, confirmed the representation of Blake. The President, to whom these papers were sent last summer, returned them with the endorsement that he considered any interference on his part improper. Since then Smith has got up another petition for pardon, and more respectable certificates from Baltimore, among which one from General Samuel Smith; and the President has been again beset with affidavits and entreaties. Without recollecting that it was the same case upon which he had already decided, he referred these papers again to the Attorney-General, who, referring to his former opinion in the case, again recommended enquiry of the District Attorney at Boston. This the President accordingly directed; but I this day brought all the former papers, with the report from Blake and Judge Davis, and the President's endorsed decision against interfering, which he of course now confirmed. Wirt remarked upon it that from these insidious attempts to worm out pardons from the Executive, he doubted whether the President ought ever to issue a pardon from ex parte representations.

I delivered to Mr. Wirt the papers from Mr. Canning relating to the Newfoundland fishing-vessel piracy, for his opinion upon three points—1. Whether we can deliver up the British subject charged with British statute piracy. 2. Whether we can try our own citizens charged as accessories to the same crime. 3. Whether we can restore to the owners the vessel which is under seizure for a breach of our revenue laws. On the first point, Mr. Canning alleges an obligation by the laws of nations to deliver up atrocious criminals.

While on the enquiry this day for the papers in the Carleton Island case, I returned twice to the President's from my office; and the second time met there the French Minister, Baron de Neuville. I read to him my letter to the District Attorney at Boston upon the case of the Jeune Eugénie, with which he appeared to be entirely satisfied. He said, if the vessel was engaged in the slave-trade, nothing was farther from his disposition than to screen the concerned from punishment; for France was perfectly agreed with the United States both in the principle of suppressing the slave-trade and in that of refusing to agree to the right of search in time of peace. He said he saw the difficulty of accomplishing the suppression of the traffic without admitting this right of search, but he had proposed to his Government an expedient as a substitute for it —which was, that the cruisers of each nation should have on board one Commissary from each nation, and that then the search should be allowed and made in every case only by the Commissary of the nation under whose flag the vessel to be searched should be met. He also asked me when I should be ready to take up the other subjects in discussion between us.

I told him I should always be ready whenever there should be a discernible prospect of our coming to an agreement upon anything. I was sorry that I could discover none. He said, as he has often said before, that he and I could come to an adjustment in half an hour. I answered, certainly, if I could be made to think as he did, or if he would adopt my opinions; of both which events I altogether despaired.

He said then he should be glad to transfer the negotiation back to Paris, where Mr. Gallatin might effect the object. I told him that Mr. Gallatin would be less likely to effect it than we should here; for we had already offered more than he had thought we ought to offer or accept. Besides, Mr. Gallatin would scarcely have time, for he was coming home.

"Coming home—when?" I said, probably next spring. "Oh," said the Baron, "I shall go home too next spring." He asked me if we had received a copy of Mr. Gallatin's letter to Baron Pasquier on the case of the Apollon. I said we had, and were waiting to receive the answer which we presume has been given to it. He said what he most thought of was, that our good friends the English were all this time profiting by our misunderstandings.

Now, I believe the Baron does not think much of this, but he imagines it to be a powerful argument with us. Onis used very much to fancy he could wheedle us with our supposed jealousy and hatred of the English. Poletica now and then touches upon the same key. 'Tis a commonplace of diplomacy. But it comes from none more ungraciously than from the Baron de Neuville, who has too much honest gratitude for the services of the English to the cause of his master to hate them himself, and who, when striving hardest to imagine himself a Frenchman of the old stock, never can get beyond the attempt to awaken the rancorous feeling of others. I barely replied to his remark that the English were so much the common friends of both countries, that if we could not agree between ourselves we should rejoice at their profiting by our dissensions.

16th. I received this evening a note from Mr. Canning, with enclosures, being copies of applications from the Governors of New York and of Vermont to the Governor of Canada requesting him to deliver up two fugitives, one from the State of New York, charged with forgery, and the other from Vermont, with murder. The Governor-General of Canada, Earl of Dalhousie, answers and delivers up both the men.

17th. I took to Mr. Wirt, the Attorney-General, the note I had received last evening from Mr. Canning, and a volume of Burlamaqui containing precisely the same passage relating to the delivery of fugitive criminals as that in Vattel. Both these writers, as well as Grotius, do in very explicit terms assert the moral obligation of nations to deliver up fugitives guilty of heinous crimes. Mr. Wirt had the English translation of Grotius, with a part of Barbeyrac's notes, and I had sent him the French edition of Barbeyrac, which we compared together; but Mr. Wirt did not seem to be satisfied with the authorities. He wanted a Latin Grotius; but finally came to the denial of the President's authority to deliver up.

I told him that was the ground I had alleged to Mr. Canning, though I was not entirely satisfied that there was a want of authority. It was made by the Constitution the duty of the President to take care that the laws be faithfully executed; by which may be understood the laws of nations as well as the laws of Congress. Now, if it were clearly and unquestionably the law of nations that fugitives charged with heinous crimes should be delivered up, it would be the duty of the President to take care that that law should be faithfully executed as well as others; and he could not be bound by the duty without possessing the authority necessary for its discharge.

He said that doctrine was too bold for him; he was too much of a Virginian for that.

I told him that Virginian Constitutional scruples were accommodating things. Whenever the exercise of a power did not happen to suit them, they would allow of nothing but powers expressly written; but when it did, they had no aversion to implied powers. Where was there in the Constitution a power to purchase Louisiana? He said there was a power to make treaties. "Aye! a treaty to abolish the Constitution of the United States?" "Oh, no, no!"

But the Louisiana purchase was in substance a dissolution and recomposition of the whole Union. It made a Union totally different from that for which the Constitution had been formed. It gives despotic powers over the territories purchased. It naturalizes foreign nations in a mass. It makes French and Spanish laws a part of the laws of the Union. It introduces whole systems of legislation abhorrent to the spirit and character of our institutions, and all this done by an Administration which came in blowing a trumpet against implied powers. After this, to nibble at a bank, a road, a canal, the mere mint and cummin of the law, was but glorious inconsistency.

He said the people had sanctioned it. "How the people?" By their Representatives in Congress; they were the people.

"Oh," said I, "*that doctrine is too bold for* ME." But as to this power of the President to take care that the laws of nations be faithfully executed without waiting for an Act of Congress, it had been exercised by President Washington, by seizing and restoring vessels illegally captured at the commencement of the wars of the French Revolution, before any Act of Congress upon the subject, and it was now exercised continually by the admission duty-free of baggage and articles imported by foreign Ministers.

All this seemed to make little impression upon Mr. Wirt; and I asked him whether he thought the Governors of the States had the power to deliver up fugitive criminals. He thought they had.

I said it was no more delegated to them than to the President, and they, no more than he, possessed any other than delegated powers. They were certainly not specially charged to take care that the laws of nations should be faithfully executed in their respective States, nor had they any power to arrest or detain any individual otherwise than conformably to the laws of the land.

Wirt mentioned the Treaty of 1794, by which it was stipulated that persons charged with *murder* and *forgery* should be delivered up, from which he drew two inferences: first, that it proved the sense of both parties that without the treaty there would be no obligation to deliver up criminals of any description; and, secondly, that even in making the stipulation the specification of those two crimes was equivalent to an agreement that they would deliver up no others.

I objected to both these conclusions, at least in their entire latitude. I said that stipulations in treaties were often only in affirmance of principles which would without them be binding, and that the specification might only be of the two crimes for which the refuge would be most likely to be sought, and would be reciprocally most dangerous to bordering countries.

We both agreed that it was a subject deserving the attention of Congress.

19th. The Swedish Chargé d'Affaires, Baron Stackelberg, came with a very formal apology for having addressed a letter upon the case of some Swedish ship, which has incurred a forfeiture, directly to the Secretary of the Treasury. He said it was to obtain a remission of the forfeiture, and he had supposed it was within the competency of the Secretary of the Treasury. But he had finally been informed that the President only could grant the remission, and the application for it must be made through me.

I told the Baron that I would readily attend to it, but that there was no occasion for his apology. I wished him to continue to make application directly to the Secretary of the Treasury, or to any other head of Department, upon any business which could be done without my intervention.

I was at the President's, and found Mr. Wirt there. Mr. Calhoun came in afterwards. The President told me he was preparing the first sketch of his message to Congress for the commencement of the session, and, beginning with the Foreign

Relations, had nearly finished that part of it, and if I would call to-morrow he would read it to me. He meant to take a general review of our commercial system as founded upon the Act of Congress of 3d March, 1815, and the subsequent treaties and Navigation and Restrictive Acts.

I had brought with me the draft of a letter to the Secretary of East Florida, Worthington, denying the right to sell the city lots at St. Augustine without an Act of Congress. It was approved.

The President had sent me directions to write to Mr. Canning upon the affair of Carleton Island, and the substance of what should be said. I made the draft accordingly. He desired me this day to answer the letter of Governor Clinton, and set forth the circumstances which render a resort to forcible resistance for maintaining the jurisdiction of the State of New York inexpedient, particularly the continuance of the British possession till the late war, and the stipulation in the treaty to restore all places during the war.

Mr. Wirt adverted to the opinion expressed the other day by the Secretary of the Navy, that, if we should answer thus, Clinton would use resistance of his own authority, and make it the foundation to raise a clamor against the General Government.

I asked whether this was probable.

Wirt said that Mr. Thompson's opinion was founded upon his knowledge of the character of the man. He was himself not acquainted with Clinton.

I said that, with entire respect for the uprightness, candor, and sound judgment of Mr. Thompson, I thought his anticipation might, in this case, partake a little of prejudice. Mr. Clinton was politically not in a condition to court a new quarrel with the General Government, especially in a case in which he would be manifestly wrong and which could not possibly be of much effect. His experiment of last year had recoiled too much upon himself to encourage him in that course. There was another light in which I thought it was but just to consider his letter. He was Governor of New York, and it was his duty to maintain the jurisdiction of the State. The Legislature had annexed Carleton Island to one of their towns, and had granted lands upon it to one of their citizens. He had been molested in the possession of his estate by foreign officers. His resort naturally was to the State Executive for protection; and that of the State Executive, prudently, to the President for advice. It did not follow, because he had declared that he should consider himself justified in maintaining the actual jurisdiction of the State, that he would disregard the advice which he had asked, and do that in defiance which he had forborne to do without consultation. It was not for him, as Governor of the State, to anticipate objections to the jurisdiction asserted by the Acts of the Legislature, but he might with perfect propriety acquiesce in such as should be suggested by order of the President in answer to his letter.

To all this the President assented, and desired me to send Governor Clinton a copy, in confidence, of my letter to Mr. Canning relating to the subject.

20th. The President had desired me yesterday to send him a minute of the Acts of Congress and proclamations relating to the repeal of discriminating duties, which I did last evening. I called this day at his house, and he read me the draft of the part of his message relating to our Foreign Affairs. It was a general review of our commercial system founded upon the Act of Congress of 3d March, 1815, offering the reciprocal repeal of discriminating duties, the treaties subsequently made, and the negotiations, hitherto ineffectual, with France and Great Britain. He said he meant to bring the whole subject before Congress for their consideration and revisal. They would thus have it in their power either to persevere in the system, or further to modify it, or finally to abandon it. He himself believed that the wiser policy would be to persevere. But some parts of the country specially affected by the operation of the system were uneasy under it, and it was desirable that the subject should be reconsidered in all its bearings by Congress.

I had only one or two remarks to make upon the draft, which I did. He said he was waiting for one or two other statements from other Departments, to prepare the remainder of his message, and he was happy to find by the statements from the

Treasury that we shall probably be able to get through the ensuing year without resorting to new taxes.

22d. I found this morning at the office a son of William Elliot, the clerk in the Patent Office, with an open letter to be franked for William Blagrove. There came two days ago a letter from Blagrove to Elliot, under cover to me, but sealed. I opened it, and found it containing a five-dollar bill for copies of papers, and a promise of a handsome gratuity to Elliot if a certain patent could be obtained; requesting Elliot also to write to him under a frank. I desired Mr. Brent, in sending or giving this letter to Elliot, to tell him I considered the promise of a gratuity improper, and that I did not choose to be the vehicle of such a correspondence. I added that I was not punctilious upon trifles, but this was not the first time I had found Blagrove attempt to pass through my frank an improper correspondence; and I should consider Mr. Elliot's acceptance of a gratuity for doing business of an official character still more so.

The letter was sent to Elliot, but Mr. Brent forgot to send or deliver to him my message with it. Elliot, however, saw the exceptionable part of Blagrove's letter, and this letter brought by his son was his answer. It rejected with proper resentment the offer of a gratuity. The boy said his father considered it a rascally proposal, but that he believed I and Dr. Thornton had not considered it in that light. I did not understand this till I found, upon enquiry, that my message had not been delivered to Elliot. I desired that the original letter of Blagrove and a copy of Elliot's answer should be sent to me to be deposited in the office.

Mr. Thompson, the Secretary of the Navy, came to enquire what answer he should give to the letter which he had received from a Mr. King about Carleton Island. I read to him the draft of the letter which I have written by the President's direction to Mr. Canning, and told him I was to send a copy of that letter to Governor Clinton. I bantered Thompson a little upon the avidity with which the Legislature of New York had seized upon the Canadian derelict island, which by good right belonged not to New York, but to the United States. I called at the President's with my draft of a letter to Governor

Clinton, which, with two slight additions suggested by him, he approved.

I had sent him yesterday the gross budget of dispatches received, of which he had read the greater part. I told him that upon reading the packet from Fromentin a doubt had occurred to me whether the mention made of him in the message was not too favorable. The papers now received from him were written three weeks after Jackson had left Pensacola, when there had been time for the blood to cool and there was not the same excuse for excitement. Instead of diminishing they had increased in violence. They were altogether insupportable. One was a long declamation to prove himself not a weak man, of which that argument was its own refutation. The other was an argument smothered in invective against Jackson, begging the question of his non-jurisdiction, and then railing at him for a tyrant, usurper, and assassin. These papers were such that if communicated to Congress they would excite universal disgust; and yet they were written apparently with the purpose of publication, for they were mere inflammatory appeals to popular feeling, and if they should not be communicated I should not be surprised if Fromentin should complain that they were suppressed. I had thought, therefore, that it might be proper for me to write to him distinctly expressing to him the President's disapprobation of these papers, informing him that from regard for himself they had not been, and would not be communicated to Congress unless, after an opportunity of reconsideration, he should himself desire it.

The President approved this idea, and said Fromentin's conduct appeared to be that of desperation. He had lost his character and consideration in Louisiana; he could not go back there. As to the notice of him in the message, perhaps some sentiment of regret at the temper manifested on both sides might be proper, and due to the character of the Government.

I said that this would place them both on the same footing, which would be scarcely just. Jackson had perhaps used intemperate language personally to Fromentin; he had written him in the heat of excitement one intemperate letter; but he had communicated nothing of this to the Government. He had complained of Fromentin's interference with his authority, but in no improper terms.

The President said it would deserve further consideration.

I asked him if, among the mass of papers I had yesterday sent him, he had read a private letter from C. Hughes, Jr., at Stockholm. He said he had. It contained an extract of a singular letter from Goulburn to Hughes, ridiculing the reference of the slave question to the Emperor of Russia, and adding that it was all Mr. Gallatin's fault, for that they (the British Government in 1819) had offered to compromise the affair by paying us a sum of money at once, to get rid of the whole question, but Gallatin had declined agreeing to this.

The President thought it extraordinary that this fact had never been communicated to us either by Mr. Gallatin or Mr. Rush. But what I particularly noticed Goulburn's letter for was his apparent dislike of the reference, which probably indicates the sentiment of the British Government. Now, this reference was no more a favorite of mine than of theirs. In the slave case, however, it was the simplest of all possible questions—a question upon the true meaning of a single sentence; I had almost said, of a single word. But the question upon the unsettled boundary, on which the Commissioners, under the fifth article of the Ghent Treaty, had been, after five years of examinations and surveys and discussions, unable to agree, was of a very different character. It would be impossible for a foreign Government even to understand the question without an investigation which must consume years. It would scarcely be prudent to refer a second question to the Emperor of Russia, who could not fail to give dissatisfaction to either party against which he should decide the first, and there was no other sovereign in Europe whom we could consider as sufficiently independent for an umpire, unless it were the Emperor of Austria, with whom we have no political relations. I thought, therefore, that Mr. Rush should be instructed to sound the British Government and ascertain whether we cannot settle the affair by negotiation together without recurring to the arbitrament of any third power.

The President assented also to this.

I asked him whether, in the draft of the message enumerating the documents relating to the repeal of the discriminating duties, the treaty with Sweden had not been omitted. He said it had; but he would take care to supply the defect.

I mentioned likewise the second Algerine Treaty, and the accident by which it had not yet been laid before the Senate. He said it would be proper to explain this in the message to be sent to the Senate with the treaty. Upon the questions of certain charges in W. Shaler's accounts he said he would consult the other members of the Administration to-morrow, when he wished a meeting at noon—not to read the message, but to submit the question whether any new taxes should be recommended to Congress.

I made some remark upon the arrangement of the topics in the draft which the President had read to me yesterday. It had been copied since yesterday, and the arrangement altered, as I had intended to suggest; so as to throw together all that related to our commercial system, keeping it distinct from the parts alluding to the slave question and the Florida Treaty.

23d. Cabinet meeting at the President's at noon—full. The question submitted by the President was, whether it was expedient that, in his message to Congress, he should recommend the establishment of internal taxes. Mr. Crawford had his estimates for the service of the ensuing year, and the returns of receipts in the Treasury for the three expired quarters of the present year and the whole of the last. The receipts from the customs, which are almost our only revenue, have been every quarter of the present year less than they were in the corresponding quarters of the last. The deficiency, however, of the third quarter has been very trifling, and there is no doubt that the receipts of the present quarter will exceed those of the last quarter of 1820. The whole amount of the receipts from the customs in that year was a little over fifteen millions. Those of the present year will not much exceed thirteen millions. The falling off in our revenue the three last years has been very great, and its principal cause has been the fallen value of our principal articles of export, and the reduction of the enormous mass of artificial capital in bank credits and paper. It appears that the lowest point of this depression was about the close of the last year; but the present is the year in which it has been most sensibly felt in our revenue. The impost is collected upon bonds payable at periods from six to twelve months of their dates, and the average collection upon the bonds of every separate year is of about twenty-three per cent. of the whole amount in the course of the same year; seventy-five per cent. the year following, and two per cent. the second year after. The average receipts of the present year have been less than three millions and a half each quarter; but since the commencement of the third quarter they have been steadily but slowly increasing; so that we may hope the revenue of the following year will equal that of the last year.

Mr. Crawford and Mr. Calhoun discussed the details, both of receipt and expenditure, much at length. Crawford said that if he could assume for certain that the impost would yield fifteen millions, the revenue would then cover the expenditure of the year. But he thought it would be necessary to look forward to the year 1825, when about ten millions of the present debt, seven and six per cents., will become payable, and he and Mr. Calhoun thought now the time to convert these seven and six per cents. into five per cents., which they thought the creditors would be glad to do, the five per cents. being now in the market as high as the six per cents., and both higher than the seven per cents., because it is known that the stocks bearing the highest interest will be the first paid off. They calculated that this operation alone would reduce the payments on the interest of the public debt three hundred thousand dollars a year, and be equivalent to the extinction of five millions of debt.

I did not object to the experiment, but doubted much whether it would be accepted by all, or even by a large portion, of the creditors. I told them also that I had no belief the public stocks would continue for four years to come at their present market prices. I thought it much more probable they would within that time be down to par, and perhaps lower. I thought they had been as low as ninety-nine within these four years;

but Mr. Crawford said they had not been less than one per cent. above par since 1817. He said there might be some alteration advantageously made in the tariff, and instanced particularly the article of linen, now rated at fifteen per cent. ad valorem, and which might be safely raised to twenty.

Mr. Calhoun thought this would make a very trifling addition to the revenue, and that only for one or two years. By the year 1825, he believed it would, on the contrary, be less productive at twenty than at fifteen per cent. He said the manufacturing interest now was so flourishing that it was gradually reducing the revenue by impost, and would continue so, till he was convinced some other mode of taxation would become indispensable. The prosperity of the manufactures was now so clearly established that it might be mentioned in the message as a subject of congratulation.

"That," said Crawford, "would immediately bring down upon you Duane and Niles."

The President put the question whether additional taxes should be recommended. Mr. Wirt and Mr. Thompson answered they did not think it necessary. I said I thought the same, so far as concerned internal taxes. They would require the organization of a whole system for collecting them, the appointment of many officers, and a process of considerable expense, and it would give general dissatisfaction to the people. There were good grounds for expecting that the imposts of the ensuing year would yield fifteen millions, in which case, Mr. Crawford assured us, the expenditure would be covered by the income of the year. But as there was some uncertainty upon the subject, if by some slight alterations of the tariff an additional half a million could be secured, it ought not to be neglected. No additional expenses of collection, no new officers, would be required; the increase of duty would scarcely be felt; and it would have the advantage of conceding something to the manufacturing interest, which has been so long complaining, and which has considerably suffered. I was therefore in favor of proposing the increase of the duty upon linens from fifteen to twenty per cent.

Mr. Crawford said there would not be much trouble with the manufacturing interest at the ensuing session of Congress. He had seen last week a member elect from Pittsburg in the Pennsylvania Legislature, who told him there had been a great change of opinion there on the manufacturing question; that he had himself an interest in a manufacture, but was of the party not desirous of a new tariff; that the ticket supported by this interest had been chosen by a majority of a hundred votes in Pittsburg itself, and that the majority in the county was of six hundred.

Calhoun said he had been told that the whole struggle of the Pittsburg manufacturers had been an effort to keep up the prices of their goods, while all the articles of agricultural produce had fallen almost to nothing—flour, for instance, down to two dollars a barrel.

I said I had no apprehension that there would be much debate upon manufacturing interests, and whatever exertions they might make would be outreasoned and outvoted. But, as they were great and very respectable interests, if anything could be conceded to them, at the same time subserving another useful purpose, I thought it would be recommended by sound policy.

Mr. Calhoun said he should assent to it on the score of policy, but he did not think it would ultimately benefit the revenue, and he thought silks would be a better article for an increase of duty than linens. The decision was unanimous against any recommendation of internal taxes.

Mr. Crawford had a letter from the French Consul-General Petry, requesting the liberty to ship twenty-six boxes of objects of natural history, animal, vegetable, and mineral, for the King of France, by a French vessel which has entered the port of New York in distress. The Collector has refused permission for the shipment unless tonnage duties should be paid. But, as the articles are not objects of commerce, and are for the public uses of a foreign sovereign, it was concluded that the permission should be given for the shipment without payment of tonnage duties.

Mr. Calhoun brought on the discussion of a proposal made by Governor Cass, of the Michigan Territory, for preventing the Indians dwelling within our boundaries from resorting to Malden annually to receive presents from the British Government. This is an old practice, against which we remonstrated about two years ago, without success. They refused to supersede the usage, and immediately gave notice to the Indians of our demand and their refusal. The presents, Governor Cass says, have been more abundant than they had ever been before. But, from various considerations arising out of this subject, it was determined not immediately to take any decisive step concerning it. Governor Cass recommends that in preventing the Indians from receiving the presents of the British Government we should indemnify them in part, and I think entirely, for their loss, by increasing our own gifts. He thinks also we should in the first instance endeavor to wean the Indians from this connection by persuasion and admonition; the efficacy of which may be doubted.

I think also that when we undertake to sever this intercourse against the will of both parties, we should undertake it with great deliberation and determined perseverance, and that we should give full notice of our intention to the British Government as well as to the Indians. The motive of the British Government in continuing these presents is to keep the Indians in reserve as auxiliaries in a future war with us. This is a dishonorable spirit of hostility maintained in the midst of peace. But if we break up the intercourse, it should be in a manly and spirited way, giving due notice and assigning sufficient reasons.

24th. Called at the President's. He fixed Monday next at one o'clock to see Mr. Canning and receive from him the letter from the King of Great Britain announcing the death of the Queen. I remarked to the President that in the language of Mr. Canning's note there was something of the pretension which he had advanced last summer: he desired me to take the President's pleasure only with respect to the time when he would receive the letter; as if the manner of receiving it was not to be optional. I said I did not think it worth while to notice this now; but it would be advisable to bear it in mind and not suffer the pretension to take root by acquiescence in it.

The President said he should take care to keep the mode of receiving these letters always subordinate to his convenience. He spoke of the papers from Judge Fromentin, and said he had given those last received to General Winder for his perusal, Fromentin and Winder having married sisters. He had told Winder that these papers were in language so extraordinary that the Government, in justice to itself, was compelled to mark them with disapprobation. Fromentin would therefore be informed that they would not be communicated to Congress unless he should desire it himself. He said Winder thought Fromentin had been transported out of the bounds of judgment. He had promised to write to him, and believed that upon cool reflection he would himself ask to withdraw the papers.

25th. The French Minister, Baron Hyde de Neuville, came, and had a long and somewhat angry conversation with me upon the state of our affairs, and especially upon the case of the Apollon. He said that he had informed me that he had been instructed by his Government to continue the discussion concerning that vessel, the Neptune, and the Eugénie; and he wished me to answer his last note upon that subject, upon which he should reply according to the instructions which he had received; that he was instructed to keep that affair distinct from all others, and that it must be settled the first of all. I asked him if there had been any answer given to Mr. Gallatin's note of the 28th of June. He said there would no doubt be given some answer, but his Government thought the affair should be settled here. Not that they had any objection to treat with Mr. Gallatin—he had always treated them respectfully, and although they were not pleased with his advice, that in the commercial affair this country must do itself justice, yet the French Government would not on that account decline treating with him—but they chose to settle that matter here; and, three or four days after Mr. Gallatin's note had been sent in, his (De Neuville's) instructions had been dispatched, and a copy of Mr. Gallatin's note with them.

I asked him whether he had received any instructions written since his Government had been made acquainted with the correspondence between him and me on the subject last summer.

Without directly answering this question, he said that his Government saw the thing exactly in the same light that he did. As to the commercial negotiation, our ideas were widely different; but France could not accept the proposals we had offered. The French Government could not do it if it would. But it was determined that this affair should be disposed of first. I knew very well what his sentiments concerning it were. They were different from mine; but those of his Government were precisely the same as his own. This day he had received a private letter from France, saying that affairs are getting embroiled with the United States, and he cannot conceive what there should be for France and the United States to differ about.

I said it was at least not a difference of our seeking. We asked nothing of France, not even a treaty of commerce. As to the case of the Apollon, he had insisted upon our acknowledging that a great error had been committed, and then explained that he meant, by subordinate officers of this Government. That we had answered there had been no error of subordinate officers. If there had been any error, it was our own; but we were conscious of none. We had done only what we thought the law authorized and the case required. If, therefore, he wished to find the cause of difference between the United States and France, it was not to us that he must look for it. We demanded nothing. But his demand was that we should unsay what we had said.

He said that it was noble and generous in this Government to support its officers; but the order of the 6th May, 1818, was not warranted by law, nor was Mr. Jones, the Chief Clerk of the Treasury, warranted in writing that it was applicable to the case of the Apollon, nor was the vessel treated according to the terms of that order. He said much about Captain Edou's being a man of honor, and, referring to his transactions in entering his vessel at St. Augustine and posting her at Bell River, said he had done nothing but what he had a right to do. He intimated rather indistinctly that there ought to be an enquiry in Congress as to the legality of the Treasury Order of 6th May, 1818, and said that within two or three months American vessels would be arrested in the French ports for the affair of the Apollon, the Neptune, and the Eugénie.

I understood him to say this upon his word of honor. He had previously said that if a similar affair had happened to American citizens we should have been equally urgent in demanding satisfaction, upon which I declared to him with much earnestness, and from the bottom of my soul, speaking (as I said) not as a public Minister, but as a man, that we should not—very far from it—that we never should have said a tenth part upon it of what he has already said.

When he came to his declaration that American vessels would be arrested in the ports of France, I paused until he ran through his declamation about the honor of Captain Edou, and took no notice of his hint about an enquiry in Congress. As soon as he stopped, I said that I had understood him to say that, upon his word of honor, American vessels would within three months be arrested in the ports of France.

He said that the declaration upon his word of honor related not to that, but to something else. But as a private individual he had declared as his opinion that within three months American vessels would be detained in France unless satisfaction were given for the cases of the Apollon, the Neptune, and the Eugénie, because they were considered, universally considered, as outrages upon the flag and national honor of France. They would be brought forward in the Chamber of Deputies, and measures of reprisal demanded and unanimously agreed to; for the *Libéraux* would be more ardent for them than any others.

I said I had understood him to say on his word of honor that American vessels would within three months be arrested in France; I was happy to hear his explanation that he only gave this as his private opinion, and should make report of the whole to-morrow to the President.

He seemed startled at this, but said I might report to the President what I pleased.

I said I should report exactly what had passed between us, and no more; as I had first understood him, and as he had afterwards explained.

He then, in a loud and peremptory tone, rising from his seat and with vehement gesture, said, "Well, sir, since you think proper to report to the President what I came here to say in confidential conversation with you, I desire you to tell him from me, as my individual opinion, that if satisfaction is not made to France in the affair of the Apollon, the Neptune, and the Eugénie, La France doit leur déclarer LA GUERRE."

These last words he spoke in a manner nearly frantic, dwelling upon the word *guerre* with a long and virulent emphasis, and, without waiting for a reply, rushed out of the room, and through the inner and outer street doors into the street. I followed him composedly with a light. Antoine happened to be in the entry as he sallied forth, and followed him to the street door, calling out, "Monsieur! vous avez oublié votre surtout." He turned back and put on his great-coat, but said nothing further to me.

This incident gave the catastrophe something of an air of burlesque, but the whole scene left me leisure for very serious reflection. Mrs. Adams, on returning from Dr. Thornton's, soon found me to be in a *brown study*.

26th. I awoke between two and three o'clock this morning, and slept no more; it was the wakefulness not of conscious wrong, but of deep anxiety. At five, arose. I wrote the diary of yesterday, and made the record of the memorable conversation with the French Minister. At one o'clock I went to the President's and presented to him Mr. Canning, the British Minister, who delivered to him the letter from the King of Great Britain announcing the decease of the Queen. The President told him that he received the communication with all the *sympathy* which the event was calculated to inspire. This was gravely said. The rest of the interview savored of dulness, and was rather long, Mr. Canning apparently waiting for the nod to be dismissed. Something was said about the Turks and the Greeks, something about the harvest in England wet or dry, and something about the British King's visits to Ireland and Hanover. I told him we must all be grateful to Lord Strangford for interposing to save from destruction the relics of Athens.

As we retired, Mr. Canning reminded me that I owed him four notes. I asked him if that about the Newfoundland pirates was one. He seemed as if suddenly to recollect himself that this was a fifth. I told him the papers had been with the Attorney-General for an opinion, which I hoped would enable me to answer him very shortly. He spoke of the seizure of some of our vessels on the coast of Nova Scotia and New Brunswick, upon which he said he was sorry to be informed that the indulgence which he had solicited could not be granted. I asked him if he had received my letter about Carleton Island. He said he had.

After he retired, I told the President the substance of the conversation which I had last evening with the French Minister, at which he was much surprised and quite indignant. I told him I thought it would require a modification of his message to Congress, and that instead of saying, as he had proposed, that with the exception of the disagreement upon the commercial negotiation our relations with France are friendly, it would be necessary to refer immediately to the affair of the Apollon, and the claim under the Louisiana Treaty, and to communicate all the correspondence upon both. I considered this explosion of De Neuville's as offering a fair opportunity for both, and I thought it fortunate that it had happened before the message was delivered; for if that had spoken of friendly relations without communicating the papers on those two subjects, and immediately afterwards this quarrel had burst upon the nation, the Administration would have been liable to the charge of having suppressed the real state of things.

The President fixed a Cabinet meeting for to-morrow at eleven o'clock, and concurred in the opinion that all the papers must be communicated. He said that De Neuville had once before been very offensive in his communications, and that it had been all but determined to demand his recall. He added that it would be necessary now to determine what course to pursue. If Congress should be of opinion we had been wrong, it might be proper to settle what concession should be made. If not, we shall know upon what ground we stand. But if we should make any concession, he would instantly demand the recall of De Neuville.

I told the President that a concession that we were wrong would be humiliating enough, but it would be worse than that. It would be unjust. I had a firm and certainly an honest opinion that the seizure was both legal and right. What was most embarrassing to me was, those who were bound in duty to support our cause had abandoned or betrayed it. Mr. Crawford, in a report to Congress last winter, had seemed to give up his own ground—for the Treasury Order of 6th May, 1818, was his own act. The District Attorney in Georgia, on the trial of the vessel for the seizure, managed the cause feebly, and wrote me that he thought the seizure could not be defended, and that he believed the District Judge was of the same opinion; and Mr. Gallatin most unaccountably had not only taken ground, in his note to the French Government, totally different from that which we had taken ourselves, but in his letter to me had given me distinctly to understand that he considered his own ground and ours equally without foundation. His own was certainly untenable, not only for the reason assigned by him, but because the fact, as it must be proved by ourselves, was against it. These were discouraging circumstances, and increased the difficulties of the case; but I still thought the argument on our part sound. At all events, we must now go before the world with it.

The President desired me to send him the most material papers of the case, particularly the Treasury Order of 6th May, 1818, and to bring with me to-morrow copies of the two letters of G. J. F. Clarke to James G. Forbes. Mr. Thompson, the Secretary of the Navy, came in almost immediately after Mr. Canning went away, and was present at this conversation with the President. Mr. Calhoun called at the office with a letter from Mr. Cross, proposing a distribution of the public buildings at St. Augustine, which he desired me to examine and consider, and to bring with me to-morrow to the President's. I told Calhoun of the scene last night with De Neuville—at which he was somewhat astonished. I stated to him the grounds of our vindication—the law defining the district of St. Mary's, and the opinion of the Supreme Court of the United States in the case of Church and Hubbard, which I read to him from 2 Cranch's Reports, 232–236. He said that opinion was very strong in favor of the principle, and that our case was much stronger than he had thought.

27th. There was a Cabinet meeting at the President's at noon. All present. At the President's request, I stated the circumstances of De Neuville's conversation with me last Sunday evening, and the President submitted the question, how the present state of the relations with France was to be noticed in the message. The Treasury Order of 6th May, 1818, and the subsequent correspondence, were read; the seizure of the Apollon was stated; and that part of the French Minister's letter of 3d August last which related to this case, and his note of 15th October, announcing that he had received new instructions from his Government to continue the negotiation on that point separately from all others.

Mr. Wirt, who had not been present at the former meetings held on this subject, and had not seen the voluminous correspondence relating to it, on the naked fact of the seizure beyond the limits of the United States and within the jurisdiction of Spain, strongly expressed an opinion against the legality of the seizure.

Mr. Thompson inclined the same way, and, after the passage in Cranch's Reports had been read, they thought that it recognized an extension of jurisdiction only out to sea, and not in the case of a river, with an exclusive adverse jurisdiction upon the other side. But in the case of the Apollo there was no adverse jurisdiction upon the other side. It was a desert, where a false pretence of a spurious port was made for the express purpose of evading the laws of the United States. The discussion principally turned upon this point; but when the material circumstances of the case were made known to Mr. Wirt, he said it was on the part of the French Minister the most impudent thing he had ever heard of in his life.

Still the point recurred, of the seizure within Spanish jurisdiction. Mr. Calhoun said that was a matter for us to settle with Spain. France had no right to make any claim upon us for that. Mr. Crawford thought she had, if there was a wrong done to French subjects. I thought so too, upon broad and liberal principles, though I observed the usual practice of nations was otherwise, and that France had invariably refused satisfaction to us for wrongs done to us by her privateers and Consuls within Spanish jurisdiction. We had obtained satisfaction for them from Spain by the late treaty; but never from France.

It was asked whether there had been any complaint from the Spanish Minister in this case. I said there had, but I had answered him, and sent him copies of the Spanish Vice-Consul Clarke's two private letters, disclosing the plot against the laws and revenues of the United States, and since that had heard nothing further of the matter from him. Calhoun said that was a complete answer to Spain—and the answer to France was also complete.

Various modes were suggested of the manner in which the state of this affair should be made known to Congress, and there seemed a general agreement that it should be by a short paragraph in the message, with a communication of *all* the correspondence. But I then observed that the publication of this correspondence would have the unavoidable effect of exciting irritation in the feelings of the people of this country against France; that it might probably excite temper on both sides, and possibly the time might come when De Neuville would complain of the proclamation to the world of our differences upon a mere confidential conversation, in which he avowedly spoke only of his private opinion. I therefore suggested whether, after the message and all the documents should be prepared, ready to be sent to Congress, it would not be well that I should send for De Neuville and tell him that the President had prepared his message to Congress, stating that, with the exception of the difficulties of the commercial negotiation, our relations with France were entirely amicable; that after the conversation of last Sunday it was impossible for him to say that; he proposed, therefore, to mention the two other subjects in discussion, and to communicate all the correspondence that had passed; but, as the effect of this publication might be to increase rather than to allay excitement, I was directed to inform him of the cause of the publication, that he might, if he thought proper, avert it, by further explaining himself as to what he meant on Sunday.

Mr. Crawford said that this reason of the public excitement which must be occasioned by the publication was a strong motive for not communicating the correspondence with the message—a step to which he from that time appeared to be strongly averse.

Mr. Thompson thought there was danger in leaving at De Neuville's option whether the papers should be communicated or not, for he might unsay all his threats of Sunday to parry the publication, and then, should France commit reprisals, the President would still be chargeable with having suppressed the real danger of the country. He thought, therefore, it would be best that I should write to De Neuville and ask him to explain himself officially.

I said that De Neuville's call upon me was for an answer to his note of 3d August, by which I could immediately bring him to an explicit declaration. But he had told me that his private opinion was that France ought to declare war if satisfaction was not made to her in the cases of the Apollon, the Neptune, and the Eugénie, and he had before told me that his Government saw those things in the same light that he did. I was apprehensive, therefore, that by provoking a reply from him now it would be a peremptory and menacing demand of satisfaction; and if the correspondence to be sent in to Congress should close with such a paper as that, the shock upon Congress and upon the public mind would be great and unexpected. It would be better to prepare them for it gradually.

Crawford said he believed that De Neuville's reply would be a short and peremptory demand of satisfaction; that he had told him that his Government viewed the outrage upon the honor of the King and flag in a much more aggravated light than he did, and that in a conversation with him in September, the very day upon which Crawford was taken sick, De Neuville had told him that France must have satisfaction. He (Crawford) had then said, Why, what will she do? for, as we have taken our ground in the discussion, it cannot be expected that we should retreat from it. Upon which De Neuville had said that she should send and seize two or three American vessels at Nice or Passages, and confiscate them. Crawford said he had replied that she would surely not do that. As he was taken ill the same day, he had not informed the President of this conversation, and it had since escaped his recollection.

There was some enquiry whether I could answer his note of 3d August so as to draw his reply in season to be communicated to Congress next Tuesday.

I thought not. My answer must be a long one, entering into a considerable detail of facts, to which he would also reply in detail, even if he should conclude, as I expected he would, with a peremptory and offensive demand.

Mr. Crawford said an immediate publication might make us liable to a charge which had heretofore been brought against us, of precipitately publishing negotiations while they were pending.

I said that did not appear to me a good reason for withholding the publication, but, if anything, the reverse. We had indeed been charged with precipitate publication, but that very publication had been one of the wisest and most effective measures ever adopted by this Government; to which Mr. Crawford assented. I acquiesced, however, in the determination that the correspondence should not be communicated with the message, but with the understanding that it shall be communicated at the proper time. And then I proposed that the two private letters of the Spanish Vice-Consul, Clarke, should be placed in front, as furnishing the key to the whole controversy. I had mentioned De Neuville's insinuation that the Treasury Order of May 6th, 1818, and my opinion that it was applicable to the case of the Apollon, ought to be made a subject of enquiry in Congress.

Crawford said this was very extraordinary. The Treasury Order had been communicated to Congress last year. But what had De Neuville to do with any proceedings of Congress in the case?

I said it had appeared to me so extraordinary that I had hesitated whether I should even report it. He had said it indistinctly, and might disavow or explain it away. But he did say what I so understood.

Mr. Crawford seemed to be desirous that the whole affair may appear to have grown out of the Act of Congress of 15th May, 1820; and it certainly was an efficient cause. The primary one, however, was the Treasury Order of 6th May, 1818; and Crawford does appear not at all earnest for its publication. He is less confident than I am of its legality, and more apprehensive of the effect of public discussion upon it. I am not without doubts upon that bare point of legality, though I am fully satisfied that every sound principle of reason and of justice is with us.

28th. At the office I found dispatches from A. Gallatin, of 5th October, and from H. Middleton, of 11th September, partly both in cipher. The President called at the office, and desired me to go over to his house to meet the other members of the Administration who were already there, with the exception of Mr. Crawford, whom he would immediately call upon. I left Mr. Middleton's P.S. with Mr. Brent, requesting him to decipher and send it over to the President's, and took Mr. Gallatin's letter and his cipher over with me. I deciphered the part of it which was in cipher while the President was reading the dispatch from Gallatin of 26th September, which I had received and sent over to him yesterday. The President then read the paragraphs he had drawn up since yesterday, mentioning the state of the negotiation relative to the Louisiana Treaty claim, and to the cases of the Apollon, Neptune, and Eugénie. They were somewhat in detail; and the question by the President was whether they should be thus stated, or briefly by a paragraph of a few lines. No objection was suggested to the paragraphs as the President had written them. He asked if we had any observations to make on them. I said that they dwelt with sufficient proof on the sentiment that France had no cause of complaint against us; but the real fact was the reverse. We were the injured party from the beginning. If that position could be assumed rather more distinctly and explicitly by an additional sentence, it might be useful.

The President answered that what he had said bore directly upon the French Government. It was expressed in a conciliatory spirit. He had stated facts from which the inference could not fail to be drawn that the wrong had really been done to us. He had thought it better to leave it to that inference than to make a direct charge of it.

Mr. Crawford concurred with this view. He thought it decidedly best that the correspondence should not be communicated now, and by thus presenting the facts to the world possibly France herself might see that it would not be necessary nor for her interest to push us to extremities on these points. If she should persist, however, so as to render the publication of the documents necessary, the message will have already stated facts upon which our true ground as the injured party may be consistently asserted and maintained.

The President said that his object was to put France as much as possible in the wrong. He believed that we could not have a quarrel with any one member of the Holy Alliance without bringing down the whole body of them upon us. They all hated us for our principles. They dreaded the effect of our example, the standing refutation of their doctrines in our prosperous condition, and the danger to themselves in our constantly growing power.

Mr. Calhoun said it was evidently not the intention of the French Government to agree with us upon any one point.

Mr. Crawford thought they did, upon the commercial negotiation, and that they made the most of the other points in order to bring us to terms upon that. But, he said, the quarrel arose from the Act of Congress of 15th May, 1820. De Neuville went to France immediately afterwards. He (Crawford) had then written to Gallatin that he expected De Neuville's representations would be unfavorable. Mr. Gallatin had answered him that they had really been so; that before he came, the French Minister, Pasquier, had shown a more accommodating disposition. But De Neuville had told them that in the Act of 15th May, 1820, Congress had not known precisely what they were about; that the Southern members were against it, and that at the next session it would be repealed. He had imagined all this, and from that time Baron Pasquier became more intractable; and De Neuville came back supposing that we should immediately yield the point.

Mr. Thompson, I think, said France could not possibly have any motive for going to war with us.

Calhoun said the French Government hated us.

The President said, if they did go to war with us, he believed we should overset them all.

Mr. Crawford said the Ministry were now very strong; they had the entire control of the legislative bodies. He then handed to me a letter which he had just received from General La Fayette, mentioning the fact that a motion had been made in the House of Peers, at the last session of the legislature, to arrest and prosecute him for a speech made by him in the Chamber of Deputies. Crawford added that he had been informed from another quarter that two of La Fayette's own nephews had voted in the House of Peers in favor of the motion to arrest him.

La Fayette, in the letter, requested Crawford to show it to the President and me, and added that he intended to write to us both. From Mr. Gallatin's letters, received yesterday and this day, it appears that no answer had been given to his note of 28th June upon the case of the Apollon, nor had it even been mentioned to him. He therefore entertains the opinion that this point will be pressed, as well as the Louisiana Treaty claim, only to obtain indemnity for the damages sustained by Edou and the parties interested in the voyages of the Apollon, Neptune, and Eugénie, and to obtain commercial concessions, or make a set-off for claims on our side.

But by the partly ciphered letter of 5th of October it appears that Gallatin had had a conference, at Pasquier's request, with him concerning the discriminating duties; and that this, though Pasquier did not tell him so, was at the suggestion of the Russian Ambassador, who had manifested some uneasiness at the growing alienation between the United States and France. The French Minister, it seems, had insinuated to the Russian Ambassador that we were partial to Great Britain; the hint of which, Gallatin says, must have come from America.

(Crawford made upon this a remark perfectly characteristic. He said he supposed De Neuville had written it in consequence of my answering, when he pretended to regret that we could not agree to the French proposals of commerce, *because the English would profit by it*, that if we could not agree together, at least we could not object that a common friend should profit by it; and the English were our common friends.

I said it could hardly be in consequence of that. For this insinuation of our partiality to England, made in France in September, and suspected by Mr. Gallatin to have then come from America, could hardly be in consequence of what I said in conversation with De Neuville not a fortnight ago. It was on the 15th of this month; see the journal of that day.[1]

I had never said this or anything like it to De Neuville before. But, said Crawford, it was before last Sunday. I said, yes. This, I say, was characteristic. Mr. Crawford had first mistaken entirely the time when I had made the remark to De Neuville, and then had built upon that mistake the inference that De Neuville had in consequence of it charged us with partiality to the English. And Crawford's own motive was to insinuate that my observation to De Neuville was a "maladresse," which had subjected us to this imputation. And if this explanation had not now taken place, a week would not have passed before Crawford would have told in confidence half a dozen of his friends the whole of this affair, with all its misconceptions, insinuations, and conjectures, as a proof of my indiscretion. All this is "par parenthèse.")

Gallatin says that he assured the Russian Ambassador that our partiality was directly the reverse of the insinuation, and in favor of France. Pasquier told Gallatin that they should increase the duties upon our cotton, and the premium upon importations from America; upon which Gallatin intended to write him a note. Upon the whole, there is evidence nearly conclusive of a disposition inveterately hostile to this country in the French Government, and I am convinced it is approaching a crisis. I suggested a wish that, as the correspondence was not to be communicated with the message, to avoid an immediate call for the papers the President should add that, the subject being still under negotiation, they would be communicated in the course of the session, if occasion should require; to which the President agreed.

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[1] See page 399 of this volume.

After the other members of the Administration had withdrawn, I said to the President that in recommending to Congress a review of our whole commercial system, I had understood him to say that his own opinion was that it ought to be maintained. He said it was. I observed that it would not be necessary, perhaps not proper, that in the message he should express his own opinion. It might be advisable to leave the deliberations of Congress unbiassed. But I thought it very important that if any member of Congress should be desirous of knowing what his opinion was, there should be neither doubt nor hesitation concerning it. I would confess to him not only that I thought the present system ought to be maintained, but that it was of the utmost importance to the welfare of the country that it should be maintained. A liberal principle of commercial intercourse with foreign nations was, in my view, one of the ingredients of our national independence; it originated with our national existence; it had then been established as a fundamental principle of our relations with other powers, deliberately adopted and after full discussion; it was proclaimed to the world in our first treaty with France, in terms certainly inserted by our Ministers—I suppose by Dr. Franklin. That France should have subscribed to them at all was extraordinary; she had never spoken such language in any treaty before. That principle we had invariably maintained until now. Mr. Jefferson had re-asserted it in his report to Congress in 1793. The Act of 3d March, 1815, offered it again to the acceptance of all nations. We had departed from it, I believe for the first time, in this negotiation with France, by acceding to a principle of discriminating duties to operate avowedly against ourselves. We had not satisfied France; she wanted more inequality. To be candid with him, I was glad she had not accepted our offer. I had always been averse to making it, and should have felt inexpressible reluctance in signing any treaty containing it. France was now giving us notice that she intended to take further measures to force us into her terms. There was a diversity of opinion in Congress, and in the country, upon the policy of persevering in our policy, and I had taken the liberty of making these remarks to him, because I thought it not improbable that the decision of Congress might be what his opinion would recommend. He said it should not upon any proper occasion be withheld.

29th. Morning visits from Mr. George Hay to Mrs. Adams, and from Mr. John W. Taylor, Speaker of the House of Representatives at the last session of Congress, to myself. I had a free conversation with him of about an hour upon political subjects, at the close of which he made me an explicit offer of confidential intercourse during the ensuing session. Taylor was chosen Speaker last year after an unexampled struggle of twenty-three ballots, and finally obtained it only by pledging himself to some of his colleagues that he was not a partisan of De Witt Clinton. When he went home in the spring, his own re-election to Congress in his district being at stake, and Clinton's friends being the majority there, he took the Clintonian side in supporting their candidates for the State Legislature. Mr. Calhoun was of opinion that Taylor was partial against the Administration and in coalition with the Crawford and Clay parties, and that he did much mischief by the appointment of unfriendly committees. As a great majority of the New York delegation to the ensuing Congress are anti-Clintonians, and as Calhoun has much influence over many members of the House, it is certain that Taylor will not be re-elected Speaker unless the influence both of the President and of Calhoun can be secured in his favor or neutralized. I consider this overture from him as a promise of good behavior if he should be chosen Speaker, and, although there has been some obliquity in his career, I do not think that he ought to have the affront passed upon him of electing another Speaker. He gave me to understand this day that he should not be in favor of any further reduction of our establishments; that he should be averse to any new loans; that he should have wished an excise upon spirits had been recommended, and that he should be satisfied with partial alterations of the tariff for the benefit of the manufacturers. He said he had strongly recommended to Mr. Baldwin to be content with that last year, though without success. I accepted his offer of confidence, and told him the principal substance of what the message will be in relation to domestic affairs.

Mr. Ironside came with the papers relative to the Newfoundland piracy case, which I had left with Mr. Brent, and he with Mr. Maury to transact the business at the Treasury Department—but nothing was done; Mr. Crawford having objected that the officers who seized the vessel had a claim for salvage. I called at the President's with the papers, which I read to him. The vessel belonged to Newfoundland; was run away with by the captain, who brought her into Mount Desert. There, she was seized for the violation of our revenue laws. Mr. Canning's demand is that she should be restored to the owner, as having been stolen from him. Mr. Wirt's opinion is that she ought to be restored, with permission to sell what has been saved of her cargo. The question is, in what form the order from the Executive shall issue. The President was himself not informed, and desired me to consult with Mr. Crawford and Mr. Wirt. I called at Wirt's office, and enquired of him if in his opinion of the President's power to remit he had reference to any particular Act of Congress. He said, no, but to the general authority granted him by law. I then went to Mr. Crawford's office and consulted with him. He said that the officers who had seized the vessel had represented to him that they had a heavy claim for salvage. The seizure had been twice made, and once resisted. There had even been a man wounded in that resistance. The Government could not release that claim of individual right. But he would write to the Collector and the District Attorney to-morrow, directing the discharge of all prosecution on public account, and authorizing the sale of the cargo, if consisting of goods not prohibited (I said I supposed the cargo was fish; the sale of which, he said, was not prohibited), and he would send me to-morrow the letters of the Collector, to enable me to reply to Mr. Canning. This affair occupied so much of the day that I had not time left for writing.

While I was at the President's, he asked me if I did not think Mr. Middleton ought to be immediately instructed to propose and negotiate a commercial treaty with Russia. He thought that by taking advantage of the Emperor's ill humor with England we might secure to ourselves all the advantages of commerce which the English have heretofore enjoyed.

He said this in consequence of the ciphered dispatch received yesterday from Mr. Middleton. It was read at the Cabinet meeting without any material remark being made upon it. I now told the President that Middleton must undoubtedly be instructed with reference to his ciphered dispatch. But as to a treaty of commerce, it would be well to authorize him to talk about it rather in the way of receiving than of making proposals. One of the persons of the Emperor's household had urged him to propose a commercial treaty, saying that our former overtures to that effect had been defeated by English influence; that now was a more favorable time; that Nesselrode would in the first instance say no, but upon being pressed would yield; that our squadron in the Mediterranean might aid the Emperor's cause, which would be that of the Greeks; that the Emperor's movements of hostility would commence in February, and that Austria, and perhaps England, had made an alliance with the Turks against Russia.

Now, the object of this was apparent, to bring us into a *political* connection with the Emperor. Our squadron in the Mediterranean was its object. A commercial treaty was the lure. But we were supposed to be anxiously desirous for such a treaty. Our true policy was to be always willing and ready to treat of commerce with Russia, and rather desiring it; because that desire would always be received as a mark of esteem and respect; but we can really obtain nothing from Russia of any importance in a commercial treaty. She has no discriminating duties, no colonial monopolies to remove. All the trade between us is carried on in our vessels. She imports from us sugar, coffee, and raw cotton without heavy duties; and all we could possibly obtain would be a trifling reduction of them. For everything thus obtained an equivalent would be exacted, and that would now evidently be political. I knew the Emperor Alexander had a rooted personal aversion to commercial treaties, considering them, as they really were, un-congenial to the policy of Russia. He had always refused to renew the old commercial treaty with Great Britain, and always hitherto declined a treaty with us. If he had now changed his mind, we should soon discover that for any advantage he might be disposed to yield he would claim for equivalent more than it would be worth.

The President said he would on no consideration whatever get into any political entanglement with Russia.

I also mentioned to the President that in the draft of the message that he had read yesterday there was some observation tending to excuse the captain of the Apollon, which I wished him to reconsider. The captain certainly did not deserve it, and I was apprehensive that in the discussion unfair advantage would be taken of the concession.

He said he would immediately look to it.

30th. Morning visits from Colonel R. M. Johnson, a Senator from Kentucky, from his brother, John T. Johnson, S. H. Woodson, and J. Speed Smith, members of the House of Representatives, also from that State, and from Mr. Dickinson, of New York, with whom I had conversation upon the prospect of election of a Speaker. He said there was a majority of the New York delegation who had determined not to vote for Taylor. They had held a caucus at the city of New York, on the way, and had so resolved. They considered Taylor's conduct as marked so strongly by duplicity last year that they would on no account vote for him, but they had not determined for whom they would vote; but there were eleven members from the State who might be prevailed upon to vote for Taylor if they were convinced that he would be sincerely friendly to the Administration.

I told Dickinson that I had never on any occasion spoken to a member of Congress upon the choice of a Speaker, before or pending an election. But if the question was to turn upon the friendliness of the Speaker to the Administration, I had reason to expect that Mr. Taylor would be friendly—as friendly as the Administration could wish, and as would be consistent with his independence. And from various important political considerations I wished Mr. Taylor might be re-elected. The choice of another now would be passing an affront upon him. It would cast some discredit upon the State of New York, and would have the appearance of bringing into the councils of the Union the unfortunate internal dissensions of the State of New York.

Dickinson said that his own disposition was the same; he thought Mr. Taylor had not been fair towards the Administration in his appointments of committees last year, but he had positively disclaimed all intentional hostility in those appointments, and he hoped he would not pursue a course of hostility now. I told Mr. Dickinson I would see him again upon the subject before Monday.

On calling at the President's I found the deputation of Indians were there. The President took leave of them and withdrew to his Cabinet, whither I followed him. I mentioned to him the conversations which I had had with Mr. Taylor and Mr. Dickinson, and asked him whether he thought it advisable to express any opinion, or take any part, relative to the choice of a Speaker.

He said he believed the proper course would be to take no part in it at all.

I suggested to him the reasons upon which I thought a change would be a public inconvenience.

He said he would think of it, and give me a final answer tomorrow. The President also spoke to me of the attacks upon him by General Armstrong, in the fifth and sixth numbers of the Philosophical and Literary Repository. He said he had not read them. He had received letters from several of his friends advising that notice should be taken of them. He had really not thought it worth his while to get involved in controversy with a man about whom the public opinion of this country was already made up and had placed him so exactly where he ought to be. But he had collected a number of documents relating to the Louisiana negotiation, which he had meant to leave for his children, and which he would show to me. He said that precisely at the time when he had arrived at Paris, Napoleon, being then First Consul, came of his own will to the determination of selling the whole of Louisiana to the United States. He determined also to employ in this negotiation Marbois instead of Talleyrand; ostensibly because it was a fiscal concern for raising money, but really on account of the scandal incurred by Talleyrand in a prior negotiation with American Envoys. For this determination of Bonaparte's, Mr. Monroe said he neither did nor ever had claimed any merit whatsoever. But before he arrived at Paris he had received a letter from Mr. Livingston entirely discouraging as to the prospects of the negotiation. The same night that he arrived at Paris he spent the evening with Mr. Livingston, and Colonel John Mercer was present, and took minutes of the conversation which passed. Mr. Livingston asked him if he had read the correspondence which had been transmitted to the Department of State before he (Mr. Monroe) had left America. He had. Would he wish to see the subsequent part of it, until his own arrival at Paris? He would. Then he would send him his letter-book containing it; which he did. The last letter was one from Talleyrand, received while Mr. Monroe was on his passage to France, and totally declining any negotiation for Louisiana. The actual negotiation commenced almost immediately afterwards, and was no sooner concluded than the same kind of reports were circulated among the Americans in Paris as Armstrong is now endeavoring to propagate. Mr. Monroe, before proceeding to England, told Mr. Livingston that he desired to have copies of that correspondence which had passed before his arrival in France; and accordingly the book was sent to him; but that last declining letter of Talleyrand's was not with it. Mr. Monroe then went to Mr. Livingston, reminded him of that particular letter, and, after some awkward apology from him, it was actually produced. Mr. Monroe had a copy of it made, which he kept. Afterwards, when he came home, and into the Department of State, he found that a copy of this identical letter had in the first instance been withheld, and never sent to the Department until after his copy of it had been taken and was in his possession. The old man, he said, had used these means to secure to himself the credit of the whole negotiation. Two years ago, when he (Mr. Monroe) was at Pittsburg, an address had been presented to him, in which this Louisiana negotiation was brought into view. In his answer he had thought it proper to refer the transaction to the Administration, adding that a full portion of credit had been due.

The turn that Armstrong had given to this concession was to represent the compliment in the address as too gross even for him to swallow entire, and his acknowledgment that part of the credit was due to another, as equivalent to the proof that none was due to himself. As to credit, he claimed none. Bonaparte's resolution to sell was dictated by the circumstances of the times. He would take no step to affect the credit of a man who was dead, who was a man of talents and had rendered services to the country. He should only hold it his duty to see that correct statements of the facts should be preserved. As to Mr. Armstrong, when Mr. Madison proposed to bring him into the Administration he had opposed it, because he had no confidence in him. But at that time a military man was wanted at the head of the War Department, and when Mr. Madison concluded to appoint Armstrong, he (Monroe) told Mr. Madison that he would harmonize with him to support the Administration.

I told the President that I had seen the publications of Mr. Armstrong; that very little notice of them had been taken by the public—their interest was merely historical. I thought with him that it was neither necessary for him nor worthy of him to enter into controversy with Armstrong. With regard to the facts, I should be happy to receive any communication from him at his convenience.

December 1st. Mr. Calhoun called this morning at my house, and I consulted him with regard to the election of a Speaker. Found him very decidedly against Taylor, but not decided whom to support in his stead. He did not expect Mr. Lowndes would be here, and, if here, did not believe he would consent to be a candidate: he had been too much mortified at his failure last year. Nelson would be friendly to the Administration, but the principal objection to him was his being a Virginian. There was already an inordinate proportion of citizens of that State in all the Departments of the Government. But as to Taylor, a large majority of the New York delegation would not only vote against him, but would be much dissatisfied if there should be any movement of the Administration in his favor. And it would not only indispose them, but almost the whole of the Pennsylvania delegation too. I urged the ill example of changing the Speaker on mere grounds of party personality; that it has hitherto been unexampled since the existence of the present Constitution; the mischief of bringing into the Government of the Union the squabbling of New York State politics. He replied by insisting on the unnatural aspect of the Administration supporting one, who at least had always acted as its enemy, against those who had been its warm and steady friends. I found him so fixed that it was of no avail to press him further upon the point. He said he thought the field of attack upon the Administration would this session be narrowed. He is more sanguine of the increase of the revenue next year than I am, and spoke with the utmost confidence of having four millions in the Treasury at the end of the year, after all its expenditures paid. I told him I could only hope it would so turn out.

Dr. Watkins, who borrowed of me Park and Marshall and the French Marine Ordinance upon Insurance, came. He said he had a letter from Mr. Tazewell in answer to his queries, from the purport of which he inferred that Tazewell adhered to his opinions. He had no answer from Judge White, though he had written him five letters. He also told me that Baptis Irvine since he parted from Elliot had repeatedly been to him and expressed the friendliness of his disposition to me and his readiness to serve my political advancement.

I told Watkins that if I had any objects to promote by purchasing the editor of a newspaper, Mr. Irvine was not worth buying. If management of that kind were consistent with my principles, which it was not, and if I had the talent for it, which I have not, and if I thought Irvine worth purchasing for anything, I would pay him to write for my competitor. I did believe Irvine to be at bottom an honest man. But he was a foreigner; he had no American conceptions, and did not know the way to American hearts. His ideas were confused, his opinions Quixotic, and his principles my aversion; especially those which he has most stubbornly and odiously maintained against the Supreme Court of the United States. Far from buying him, therefore, I would not accept him as a gift. I want no supporter who holds his principles. His natural market is elsewhere.

Upon a summons from the President, I attended a Cabinet meeting at his house at two o'clock. It was to read the whole message, almost all the separate parts of which had been repeatedly read and discussed before. All present except Mr. Wirt, who was indisposed. After the reading, various remarks were made, some by Mr. Crawford, and some by me, upon which slight alterations, corrections, and additions were made. The President then asked if it should be read by paragraphs; but that was deemed unnecessary. There was a general acquiescence in the whole message.

After the other members of the Administration had withdrawn, the President told me that he had concluded to take no part whatsoever in the election of the Speaker; that he had given and should give no opinion on any side, and he had enjoined as strongly as he could both upon Mr. Hay and Mr. Gouverneur, both of whom were, however, quite independent of him, yet he had enjoined upon them to say nothing upon the subject to any one. I told him that under the circumstances I should do the same; would inform Mr. Dickinson of it, and also, if he pleased, communicate it to Mr. Taylor himself; to which he assented.

I then read to the President the letter received this day from General Jackson, with the enclosed papers against Judge Fromentin, upon which I told him that it would deserve consideration whether some modification of that part of the message which related to the difference between Jackson and Fromentin should not be made. As it stood, it placed them both on a level, giving them both credit for upright intentions, and expressed no censure of either. I thought they did not stand upon a level, and that they ought not to be represented in the same light. He directed me to send these papers round to the other members of the Administration, and said we would meet again upon it. I asked him if they should be sent to Mr. Crawford. He said, at first, yes; but afterwards, recollecting himself, said no—Mr. Crawford having been ill when the papers were formerly considered, and not having seen them.

I gave the papers to Mr. Brent, desiring him to take them to Mr. Calhoun; to point his attention to a certificate of Colonel Butler, confirming in the strongest terms a certificate before given by Dr. Bronaugh, the truth of which Fromentin had most explicitly denied; and to request him after perusal of the papers to pass them over to Judge Thompson.

2d. I received this morning a note from the President, asking for the papers received yesterday from General Jackson concerning Judge Fromentin, and for other papers heretofore received from both. I answered that I had, according to his directions, sent those received yesterday to Mr. Calhoun; and that the rest were at the office, which was closed; but that I would take measures to have them all sent to him in the course of the day or early to-morrow morning.

Mr. Dickinson called upon me, and I told him of the President's determination to take no part whatever in the election of the Speaker. He said that the majority of the New York delegation had now come to their determination. They would support Mr. Rodney, and if they could not succeed with him they were to take up Mr. McLane, both members from Delaware. This was in consequence of an interview between a deputation from the majority of the delegation and the Secretary of the Navy, who was exceedingly inveterate against Mr. Taylor, and approved of the other nominations. But, he said, the Southern members were not for supporting Rodney, because they considered him as a Clayite.

I called on J. W. Taylor at his lodgings, and found him in his chamber, apparently under some agitation. After some conversation upon the census and the publication of the secret journals of the old Congress, and some accidents which have befallen some of the members of the New York delegation on their way, he asked me if I knew whether Mr. Rodney had arrived.

I did not; but, perceiving the drift of the question, I told him that I understood Rodney was to be his competitor to-morrow.

He said he had just now for the first time been so informed; and that he understood Mr. Rodney was the candidate favored at Washington. I said that if by Washington he meant the Administration of the General Government, so far as I was personally concerned in it, Mr. Rodney was not my favored candidate. As far as I had a right to any preference, it had been in his favor, because he had been the Speaker before, and because a question of re-election was different from a question of election for the first time. I added that, in consequence of our conversation when he had called upon me the other day, I had expressed these sentiments to the President, but had been assured by him that he had taken, and should take, no part whatever in the election, considering it on principle improper for the Executive to interfere in the choice of a Speaker of the House.

He said he approved of the principle; but that the members who could be influenced by such motives would be told that Mr. Rodney was the person the choice of whom would be acceptable to the Administration, while others would be excited against him (Taylor) on pretence that he was a Clintonian.

I said I was apprehensive that if there should be a strong opposition to him, it would arise chiefly from his own State and its delegation.

He said they would be about equally divided. He had been called falsely a Clintonian. He had for the last three years had no personal intercourse with Mr. Clinton. He had been no partisan, because between the two divisions of the Republican party he had seen no difference of principle. He had until his last election been supported by all the Republicans of his district, without reference to State parties. Last spring there had been a bucktail caucus in his district, who had agreed to nominate him, together with an Assembly ticket of their own. But the Clintonians, being quicker than their adversaries, had a meeting, and actually nominated him with *their* Assembly ticket; upon which the other party got up an opponent to him, a Mr. Schoonhoven, who had through the whole of the war, and until very lately, been a Federalist, but had now become a Republican.

I said there had been an impression that in his appointment of committees last year he had manifested unfriendliness to the Administration. I had no complaint of that sort to make myself, but other Departments perhaps had.

He declared he had never appointed a committee or a chairman with any such feeling. That the committees of the second session of every Congress were usually the same as those of the first session. He had found them all appointed by his predecessor. The Chairman of the Naval Committee had, indeed, been changed. Mr. Silsbee, the former Chairman, could not be appointed, because he was not here at the commencement of the session when the standing committees were appointed. Mr. Barbour, the Chairman appointed in Silsbee's stead, had, indeed, views in relation to the navy which he (Taylor) did not approve, but he had not known them when he appointed him, and the whole committee was so far from countenancing him, that Barbour had complained that he had given him a committee with which he could do nothing. And in fact the committee would not report Barbour's project; but he was obliged to bring it forward in his own name. Of the Military Committee he gave an account equally direct, to disprove any hostile feeling on his part to the Administration, and he said he had been much surprised at the first intimation that such a sentiment was entertained. As to his personal feelings towards Mr. Monroe, they had been indicated in the year 1816, by the part in his favor which he had taken when the contest was between Mr. Monroe and Mr. Crawford. At that time certain resolutions had been passed by the Republican members of the New York Legislature, at Albany, under the influence and at the instigation of Mr. Van Buren, which he happened to have in his trunk, and would read to me; which he did. They were most earnest resolutions against the election of another Virginian President, and a recommendation equally earnest of D. D. Tompkins for that high office. Taylor said he had declined supporting these opinions, and had written in answer to the resolutions, that, with all possible respect for Mr. Tompkins's character and services, it was impossible to present him as a candidate for the Presidency with any chance of success.

And he had been told that when this his answer had been made known to Mr. Tompkins, he had said it was because Taylor himself did not wish for his success. He then repeated the account which he had given me last year of what he had understood as a promise from Mr. Monroe of the appointment of District Judge for the Northern District of New York, and of his disappointment when, without any notice to him, as had been promised, and a few days before the session commenced, Mr. Skinner had been appointed. He had been told that the Vice-President and the Secretary of the Navy had made interest against him. But General Van Ness had assured him that the President had told him there had been no opposition to Taylor through them.

I said I knew not what had been the President's determining motive, other than as he had said to me—it was because Skinner had been the District Attorney, and it was in the usual routine of promotion.

Taylor said it was now past, and he thought no more about it. Taylor told me he doubted whether the Vice-President would be here this winter. I said I thought he could not avoid coming. He said he had thought so too. But a friend of the Vice-President's had told him he thought he would not come. It would at first be said he would be here after the holidays. Then he would be said to be in ill health, and perhaps, as there was last year, a certificate from surgeons will be procured, declaring that the state of his health will not admit of his coming. This will last till about April; and then, the session being near its close, for a very few days it will not be worth while to come. He says there is nothing for him to do here, and any other man may preside in the Senate as well as he.

3d. At eleven o'clock I attended at the President's, where I found Messrs. Calhoun and Thompson. The question upon the paragraph of the message relating to the altercation between General Jackson and Judge Fromentin at Pensacola was submitted. I had suggested that after the papers received on Saturday, the paragraph in the message which gave them both equal credit for integrity of motive and intention could not be sustained.

I now observed that it put them both upon a level, which I thought could not with justice be done. Their conduct was widely different with reference both to morals and political principle. Jackson, even if he had erred, had only supported with an excess of energy the cause of justice and humanity. Fromentin, whatever his motives were, supported by his interference the cause of fraud and perfidy. Jackson had never for a moment doubted his own right to act as he did. Fromentin's course had been weak, inconsistent, wavering, and full of prevarication.

Judge Thompson said he had not been present at the former meetings on these subjects, and had not read the former papers. But he had hitherto considered their conduct as standing upon the same grounds; that Fromentin had mistaken his powers in issuing the writ of habeas corpus, and Jackson his, in summoning Fromentin before him; but that their motives had been equally upright.

I read several passages from Fromentin's own letters, to show the unsteadiness and shifting character of his own statements, for all of which, however, Mr. Thompson successively found apologies.

The President read three several drafts of paragraphs to be substituted for that which had first been prepared, and a question arose whether it would not be best to say nothing of Fromentin. It was agreed that the message in regard to Fromentin should be shaped according to the previous determination of the President, whether he would or would not renominate him to the Senate for the permanent appointment of Judge.

I said that I had fully made up my mind that he ought not to be renominated.

Mr. Calhoun said if he should not be nominated the public opinion would universally be that it was because he had issued the writ of habeas corpus. It would have the appearance of taking the side of General Jackson upon that point, which he thought would injure the reputation of the Government. If he should not be nominated, it would be absolutely necessary to bring the whole correspondence both of Jackson and Fromentin before the public, to which Mr. Calhoun said he had the most extreme aversion. He thought, therefore, that the President should nominate Fromentin, and then send *confidentially* the whole correspondence to the Senate, that if they saw fit they might reject him. Calhoun seemed to have an absolute horror at the idea of the publication of the correspondence.

I said that, in the first place, I did not believe it would be possible to suppress the correspondence. Probably not a week would pass over before there would be a call from the House of Representatives for documents relative to the habeas corpus affair, and then they must all come out. And, secondly, it would not be consistent with the spirit of our Constitution that the President should nominate to the Senate, in the expectation that they will reject him, a man whom the President would not appoint if the absolute appointment were in himself. I knew of no possible case in which it would be right for the President to nominate a man intending him to be rejected. If the case be clear against the man, he ought on no account to be nominated; if doubtful, the President ought not to throw upon the Senate the responsibility of rejecting which he would decline to assume himself.

Calhoun disputed the principle; distinguished between a new appointment and a re-appointment; thought the spirit of the permanent tenure of judicial office made a nomination after a temporary appointment almost compulsory. He spoke of the general spirit of the Constitution as leaning towards the opinion of referring appointments to the decision of numerous bodies of men.

I thought this altogether unsound political doctrine, and referred to an expression of opinion lately published in a letter of Mr. Jefferson, of the great danger arising from the permanent tenure of judicial offices.

Calhoun said he thought himself that Judges ought in certain cases to be removable otherwise than by impeachment. But while the Constitution remains as it is, he would execute it in its spirit.

I said the necessity of renomination was as much in the spirit of the Constitution as the permanent tenure of judicial office; and if it afforded even a partial remedy for the danger of indefeasible office, it should rather be cherished than counteracted.

Judge Thompson gave no opinion upon this question of renomination; and the President said he would keep it open; desiring more information before he should decide. No positive preference was declared for either of the paragraphs prepared as substitutes for that which is to be altered; but from the discussion the President will form his own determination.

At the suggestion of Mr. Thompson, he had also prepared a paragraph to close the message with a sentiment of religious gratitude—a sentiment perfectly proper in itself, and which I too strongly approved to object against it. But I did not earnestly recommend it, precisely because the motive alleged for it was its expediency or effect upon the public opinion. The President said he usually had introduced such a passage, and Mr. Thompson thought the message would in the opinion of many persons be thought exceptionable without it.

There was something said about the prospects of war between Russia and Turkey in Europe, and something about the recent revolution in Mexico. Upon both these incidents in the history of these times I thought our information too scanty and too much derived from newspapers to require or authorize anything to be said in the message concerning them.

After Calhoun and Thompson had withdrawn, I told the President the substance of the conversation which I had yesterday with J. W. Taylor, and of my assurance to him that the President would not in any manner interfere with the election of Speaker. I told him that Taylor had declared his approbation of the principle, but said the argument would undoubtedly be used to influence votes, that another member would be more acceptable to the Administration; and I said there certainly had been some Executive influence exercised; for a deputation of New York members had been in concert with Judge Thompson, and agreed to vote not only against Taylor, but for Mr. Rodney.

The President said he had never had a single word upon the subject. He had no doubt there was something of the New York politics in it. He said that he had strictly enjoined upon

Mr. Hay and Mr. Gouverneur to say nothing about it, though they were both independent of him. He had spoken upon the subject only with Mr. Calhoun.

The President also showed me the papers which he had mentioned to me last Friday. They were—1. A letter from Talleyrand to Livingston, dated 22d March, 1803, most explicitly declaring that the First Consul was determined to keep and to colonize Louisiana; with a sophistical argument, a grave persiflage, to show that it would tend to promote harmony and good understanding with the United States. 2. A letter from Mr. Livingston to Mr. Monroe, dated 10th April, 1803, addressed to him at Havre after his arrival there from America, and, he says, not received until after he reached Paris. In this letter Livingston speaks with the utmost despondency of the chances of the negotiation, and laments that Ross's resolutions had not passed.[1] Lastly, minutes of the journal of John Mercer, who was with Mr. Monroe as his Secretary. The minutes commence with their arrival at Havre, and continue till after their arrival at Paris, which was on the 12th of April. That evening Mr. Monroe spent with Mr. Livingston; Mercer was present, and kept minutes of what was said by Livingston. It was in the same desponding style and the same regret that Ross's resolutions had not passed as in the letter.

Now, the pretence in Armstrong's publication is that on this very 12th of April the proposal for the sale of all Louisiana had already been made by Talleyrand to Livingston, and the dilemma upon the reputation of Livingston is of having dissembled with his colleague and withheld from him the knowledge of the change in the determination of the French Government, and of his conversation of the 11th of April with Talleyrand, or of disingenuously attempting to show that the whole business was transacted in substance before Mr. Monroe arrived.

This is Armstrong's argument; and, as the cunning of ambition deals more in equivocations, concealments, and evasions than in direct forgeries and falsehoods, the conclusion I have drawn from the counter-statements on both sides is, that the determination of the French Government to sell was taken before Mr. Monroe's arrival at Paris; that there was a conversation between Talleyrand and Livingston concerning it on the 11th of April, which Livingston reported to the Secretary of State, but not to Mr. Monroe. His motive for withholding it and for continuing to represent the chances of success as desperate, when he had on the same day written to the Secretary of State that the resolution to sell had been taken in the Council on the 9th, cannot be classed among the magnanimous impulses to action.

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[1] In the Senate of the United States.

Mr. Monroe disclaims all pretension of having had any agency in producing the determination of the French Government; but he charges Livingston with unfair dealing in pursuit of the object of engrossing to himself the whole merit of the Louisiana purchase.

Mr. Poletica, the Russian Minister, with Baron de Maltitz, his new Secretary of Legation, came to the office. Poletica has just returned to the city. He told me that he had a number of papers to communicate to me some day when I should be at leisure, among the rest a summary of the recent negotiation between his Government and the Porte. He said the Emperor Alexander was not pleased at the interference of others in this negotiation, and there was especially a demand of the Porte that Russia should deliver up certain fugitives, to which it was impossible the Emperor should ever agree. He said I should also see among the papers a note from Lord Castlereagh, expressing every sentiment which was contained in the Laybach circular, and against which the British Government afterwards protested. Mr. Poletica likewise assured me that he had no agency in the recent publication in the newspapers of the Emperor Alexander's rescript honorary to himself. He had not received the original till his return here; the translation in the newspapers had been published by Mr. Lewis, and was not correct. It was due as delicacy from him to this Government to mention this fact.

This day commenced the first session of the Seventeenth Congress; there was a quorum formed of both Houses; there were seven ballots for a Speaker in the House of Representatives without effecting a choice; about sixty votes for Taylor; upwards of a hundred against him—running for Rodney, McLane, and others.

4th. Mr. Canning, whom I had appointed to meet at one o'clock, came, and was with me nearly three hours, conversing on a great variety of subjects in a manner entirely desultory. His first object was to explain to me how two American vessels, seized on the borders of the province of New Brunswick for smuggling, and which he, upon an application from this Government for indulgence, had recommended to the Governors of New Brunswick and Nova Scotia for it, had been condemned and sold.

I also read to him the papers transmitted to this Government concerning the Caroline, a vessel tried likewise at St. Andrew's, in New Brunswick, and those relating to the Fame, a vessel on trial in our own Courts. All these cases turn upon the question of the bordering line between Moose Island and Campo Bello. The question of transcending the proper territorial jurisdiction to execute revenue laws was also involved in them.

Upon the identity or similitude of rolled and hammered iron there was also much said. He insists they are the same, and I know not how to prove the contrary. I promised him to look into the subject and answer his notes, and said if, upon examination, it should be found practicable, the President would recommend it by a message to Congress. Of the Newfoundland pirates, Mr. Canning seemed not entirely satisfied with the order to restore the vessel and cargo, subject to the claim of salvage for the officers of the customs. He said he had understood salvage was granted only in cases of wrecks or of recaptures at sea. I told him the claim and its amount would both be subject to the decision of the Court. They were private and individual rights, which the Government could not of right release. On the case of Carleton Island, he asked a number of questions in relation to the possession and the time when it had been taken by us. I told him the circumstances as they were known to us. He seemed anxious to find some apology for the seizure from Kingston. I told him our complaint was of the disturbance by force of the actual state of things while the negotiation was pending, and that the Governor of New York had positively proposed a battle if there should come another excursion from Kingston; but that the President had cooled his martial ardor for the present. He said it was no doubt a process against smugglers. I said if they meant to recover possession under the treaty, they should have demanded it, as we had done in the case of the post at the mouth of Columbia River. He said that in that case Mr. Bagot had complained that we dispatched the ship without giving notice. And yet, I said, we had made the formal demand of restoration more than two years before. We have, therefore, a much stronger cause of complaint than could be alleged by Mr. Bagot.

He spoke about the slave-trade, and asked me if I had seen a letter from Sir George Collier, recently published in the newspapers. I had, but made no remark upon it. He asked if we had any cruiser upon the African coast now. I said, the same Lieutenant Stockton who had captured the four French schooners. He asked if we could not so accommodate our naval arrangements as to increase our force there. I said I could not exactly say; but our force was sufficient to banish our flag from the whole coast. There had not been found for these two years a single slave-trader wearing the American flag. I asked him if he recollected the hint I had given him last spring to propose to his Government to advise their ally the King of Denmark to look a little at what was going on at his island of St. Thomas. He said, certainly, and he had availed himself of it. I said I had seen in our newspapers within these two days a notice from Copenhagen that the late Governor of St. Thomas, Bentzon, had been convicted of slave-trade participation and sentenced to pay a heavy fine. Canning said it might very probably be the result of our former conversation.

I told him we had almost got into a quarrel with France about these captures of Lieutenant Stockton. The French authorities in the West Indies, and the French Minister here, were all on fire about the outrage upon the French flag, and they had sent me volumes of testimony given by the slave-traders themselves, to prove Lieutenant Stockton was a pirate. Not only so, but the French Minister, with a lofty tone, maintained that these vessels were engaged in lawful trade—greatly injured persons. Three of the four vessels were recaptured upon their prize crews. Two of them went back, not to Guadaloupe, but to French Guyana, and there trumped up this story of interruption in their lawful trade by the pirate Stockton. The third is brought into Boston, and the French Minister peremptorily demands that she should be delivered up to the French Consul or to her owners, and in one of his notes to me says, "Le sort du quatrième n'est pas encore connu." I had told the Baron de Neuville that I could inform him what that "*sort*" was. She returned to the coast of Africa, took in her pre-engaged cargo of one hundred and fifty slaves, and carried them and landed them in the face of day at Guadaloupe, with Lieutenant Inman and the prize crew from whom the vessel had been recaptured all the time on board. Canning said he hoped these facts would be made known to the world. I assured him that indeed they should. He said that De Neuville himself professed to be very earnest for the suppression of the slave-trade, but he was against allowing the right of search. Yet he admitted that it was the most effectual means that could be adopted for the suppression; and he (Canning) thought we should ultimately be convinced of the necessity of coming into it.

I said that was impossible. There were objections of the most serious nature against the thing itself in any shape; but unless Britain would bind herself by an article, as strong and explicit as language can make it, never again in time of war to take a man from an American vessel, we never for a moment could listen to a proposal for allowing a right of search in time of peace.

He asked me, in a half-bantering tone, whether I had not intended last winter to make some such proposal to him. I told him no. We had exhausted negotiation in endeavoring to make an arrangement with Great Britain on the subject of impressment. We had failed, and were not desirous of obtaining the object by indirect means. The proposal must come from them, if they were prepared for it. We merely refused to admit a right of search in time of peace. On this principle, too, we should give up the French vessel at Boston, at the demand of the French Minister; at least the Executive had so advised the Circuit Court. There has been a trial before that Court; but the main question was, whether there were any of our citizens interested in the slave vessel; of that there was no evidence except the very slight presumption arising from the fact that she had been built in the United States.

He asked me if at the time of our former discussions I had not seen the decision of Sir William Scott in the case of the Louis. I told him, no; I had not seen it until the case of this French vessel had arisen. He was surprised at this, and said he regretted not having communicated it to me. I asked him what was the passage of Blackstone to which he had referred on the application to deliver up the Newfoundland pirates. He said it would be found in the index, under the title of Habeas Corpus. We examined both Tucker's and Christian's Blackstone, but did not find it. He said he would send me a minute of it.

We discussed the whole subject over again, and he dwelt much upon the actual delivery of the men charged with murder and forgery by the Governor of Canada to the Governors of New York and Vermont. I told him that might give a claim to reciprocity from the Governors of those two States. It was at *their* demand, and not that of the United States, that the men were delivered up. A similar demand might be made of those two Governors. Perhaps they might possess the authority—as bordering States, they were more interested than others in the exercise of it. It was the power to deliver up which was considered as wanting to the President.

We had also much talk upon European affairs—Russia, Turkey, and Greece. I told him I still thought, as I had heretofore, that England would not permit Russia to go to war. It was apparent that she was effectually interposing to prevent it; but how they would let off the Emperor Alexander without humiliating him seemed likely to make a difficulty, and, after

Strogonoff's open breaking up at Constantinople, the Emperor could hardly recede without humiliation.

Canning said he had been long at Constantinople himself, and knew how the Russian diplomatic men treated habitually the Turkish Government, which was by no means courteously. They were much accustomed to threaten them; and hard words did not carry the consequence there which they did elsewhere. He asked what part France appeared to take in this turmoil.

I said it was apparent that France did not lead, and, as she had heretofore been very much accustomed to lead, she might probably now not be disposed to follow the lead of others. All the Turkish notes were said to be written by Lord Strangford. Austria was said also to take part with the Turks. But of the French mission at Constantinople not a word was said.

At the close of this conversation, Canning told me that he had left dispatches at home unopened, which came by the packet. It appeared to me that he came for the purpose of gathering materials for a dispatch. He kept up his habitual reserve and caution in withholding all opinions of his own, and pursued as usual with great earnestness the discovery of my opinions.

The President told me that the House of Representatives had chosen Mr. Philip P. Barbour, of Virginia, their Speaker. He was a new candidate, started this morning, and came in at the twelfth ballot, by a vote of eighty-eight upon one hundred and seventy-three.

10th. I received letters with enclosures both from General Jackson and Judge Fromentin, concerning the late transactions at Pensacola. I took all these papers over to the President, and again strenuously urged him not to nominate Judge Fromentin to the Senate as the Judge under the new Territorial Government.

The President said the nomination could not be made till the Act for reorganizing the Territorial Government should have passed, which would certainly not be within two months; and he again manifested a strong desire for the suppression of all these documents—the letters both of General Jackson and of Judge Fromentin.

I told him I thought it would be impossible. And I said that upon the whole review of Fromentin's conduct, I thought, without imputing corrupt motives to him, that it proved him incompetent on the score even of law knowledge to hold the office of Judge of the United States; and I detailed the particulars of his conduct, and the weakness of his arguments in defence of it, upon which I had drawn the conclusion.

11th. Mr. Dickinson spoke to me concerning the choice of a Speaker. Calhoun and Thompson, and their friends, prevented the election of Taylor. But the Southern men would not vote for Rodney, and others would not vote for McLane. All parties were mortified by the result—even the Virginians, he says; in which I think he is mistaken. But this is certain: that the new Speaker has given extensive dissatisfaction by his appointment of committees, and Dickinson says there is already more dissension in the House than there was in the whole of the last Congress.

I made a draft of a message to send with the secret journals of the old Congress, which I took to the President, together with the dispatches received last Sunday from J. Forsyth at Madrid. At the President's I found Mr. Calhoun and Mr. Thompson. They had the annual report of the Secretary of the Treasury under revision—a new thing. This report is made directly from the Secretary of the Treasury to Congress, and during this Administration has hitherto not even been communicated to the President before it was sent in. The consequence of which was that last year it presented a view of the finances quite at variance with that exhibited in the message—a circumstance seized with avidity and used with eagerness against the Administration. To guard against it this year, the President desired Mr. Crawford himself to draft the paragraphs, in the message, relating to the finances; which he did; and now his own report was submitted for revision. There is no information in it except what was already in the message. One weak point in it will probably give rise to some discussion. There is a deficiency of about one million of dollars in the supplies of the year, which he relies will not be missed, because all the expenditures of the year are not demanded within the year. It will not be called for at the Treasury until some time in the course of the year ensuing, and, as the supplies of that year are expected to be superabundant, the reliance is that the deficiency of this year will be made up by the excess of the next.

Mr. Calhoun was suggesting to the President a paragraph to be added to the report displaying this expectation in more explicit terms. There is in the report much coquetting with the manufacturing interest, but it contains no definite views of any utility, and its principal lever for raising the revenue is to raise the duties of various articles paying fifteen and twenty per cent. ad valorem to twenty-five. Calhoun and Thompson were joking about the new Speaker and his committees, which they thought as ill chosen and as ill sorted as they could have been if drawn by lot. I told them they had truly done themselves good service by changing the Speaker.

14th. At noon I went to the Capitol, and attended in the Senate-chamber at the funeral service upon Colonel Trimble.[1] Mr. Ryland, the Chaplain of the Senate, was delivering a discourse, and was nearly at the close when I arrived. There was a detachment of the marine corps, who joined the procession for the military honors. A large proportion of both Houses of Congress attended. I did not go to the graveyard, but called at Dowson's and left a card for Mr. Jonathan Russell. Eustis went with me, and told me that he had been asked by Mr. Wood, of New York, what misunderstanding there was between Russell and me. Eustis asked me if there was anything. I said, not to my knowledge—unless Mr. Russell was dissatisfied at not having had a new appointment to a mission abroad, and imputed to me that none had been offered. Eustis said it might be that.

18th. At the President's, I took over my draft of a letter to the Baron Hyde de Neuville, in reply to his of 3d August, on the case of the Apollon. The President appeared to be a little alarmed at a confidential letter that he had received from Charles Ingersoll at Philadelphia, informing him that the Spanish Minister, Anduaga, who is now at Philadelphia, had determined not to come and reside in the District until the affair of General Jackson's quarrels with the Governors of Pensacola and St. Augustine shall have been settled to his satisfaction; and that the French Minister, De Neuville, complains of meeting difficulties in his negotiations. The President spoke of the tone of Anduaga's notes as irritating and almost offensive, and he seemed apprehensive that Anduaga's representations might impel the Spanish Government to some rash act of hostility. He therefore suggested the idea of sending a special messenger to Spain, with instructions and documents to Mr. Forsyth, explaining all the transactions, and directing him in a conciliatory manner to avert any hasty measure on the part of Spain. He spoke first of employing Shaler, and then William Tudor, for this agency.

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[1] William A. Trimble, a Senator from the State of Ohio.

I did not directly oppose this idea of sending a special messenger, though I doubt its expediency. I thought Spain too deeply engaged in affairs of far deeper interest at home, and upon too bad terms with all the great European powers, to be disposed for quarrelling upon such trifles as these; and that by manifesting very earnest solicitude upon the subject we should only perhaps give them a hint to make it more serious than they otherwise would. I therefore counteracted this impression indirectly by starting doubts whether a sudden departure of Shaler or of Tudor for Spain would not rather surprise and alarm the public. I observed that General Jackson had as yet had the opportunity of answering the first complaint only of the Spanish Minister. There have since been received a second and a third, of which no communication had yet been made to him. With regard to the first, he had answered and transmitted testimony disproving many of the charges in Callava's protest; and showing that Callava had no special character as Commissioner, he having refused to produce any credentials as such to General Jackson, and informed him that he had *orders* to deliver up the province as its Governor. So that Callava had not even the right on the point of form upon which this whole altercation arose. It was due to General Jackson to give him the opportunity of answering upon the second and third complaint as he had upon the first. My own idea was that I should write to the Spanish Minister, communicating to him copies of Jackson's answer to the note of Salmon, and of the testimony which he has sent with it; and promising a further answer when we shall have heard from him on the affair of the banishment of the Spanish officers from Pensacola, and on the seizure of the papers at St. Augustine. This would give us several months of time, and, as there was a total change of the Spanish Ministry about once a quarter, the whole subject will have become stale and lost its interest before a definitive decision upon the case will become necessary. I observed to the President that, as I had anticipated, there was now a resolution before the House of Representatives calling for all the papers relating to all these transactions. The House had yesterday decided that it should lie on the table, but it might be called up again and passed to-morrow.

The President said that it would be necessary soon to decide upon the course to be pursued, whether to accept immediately General Jackson's resignation, or to delay it until the new organization of the Territory should require a new appointment; whether all the papers shall be communicated to Congress, or only such as may be necessary to explain the subjects of difference between Jackson and Callava and Fromentin. He was apprehensive that the European allies might intrigue with Spain to kindle this affair up into a quarrel between her and us; the consequence of which was that we should suffer in our commerce and revenue. He said this was the third time General Jackson had brought the Government into great difficulty, and that the cause would not bear us out in a quarrel with Spain for it. If we were to quarrel with Spain, it were much better to break upon South American independence than for the rights of a mulatto at Pensacola. He desired me, therefore, to send the papers round to the members of the Administration. Mr. Crawford had hitherto not been consulted, from delicacy to the state of his relations with General Jackson; but the papers should now be sent to him as well as to the rest, and he would judge for himself whether he should take part in the deliberation upon them.

I left with the President a list of the appointments made during the recess of Congress, and part of which will require nominations to the Senate during the present session; among them is the District Attorney of Indiana. I mentioned to the President Mr. Noble's remarks to me the other day.

He perfectly recollected my having laid before him the recommendatory letters from the Governor and District Judge of Indiana, and his direction that a Commission should immediately issue upon them; but said he had forgotten that he had received Noble's letter. With regard to the nomination to the Senate, he reserved the subject for further consideration.

The case of the Marshal of Georgia was mentioned. Mr. Crawford sent over to me this morning a letter from Morel to him soliciting a re-appointment. I gave that letter to the President, and reminded him of the letter from the Governor, President of the Senate, and Speaker of the House of Georgia against Morel, and of the anonymous letter charging Morel with a most atrocious murder of a black man, for which he was indicted by a Georgia grand jury but acquitted by a jury of trial. I told the President of the application to me by Mr. Thompson, one of the Georgia members of the House, who wished to ascertain whether Major Triplett would be appointed, but expected that Mr. Morel would decline a re-appointment, and said that if he should not, he (Thompson) had no complaint to make against him.

The President said that he wished to get rid of the man. He believed there was too much truth in the anonymous letter. I said that there might be party spirit mingled also in this affair: perhaps it might be best to enquire of Mr. Crawford whether he would recommend the re-appointment of Morel.

The President said he would consult him, and also Mr. Elliot, the Senator from Georgia; and directed me to send him the anonymous letter to be shown to them.

He asked me to dine with him next Friday with the foreign Ministers. I told him of Mr. James Strong's application for the appointment of Governor or Judge in Florida; but he thought the aim rather too lofty for an ex-member of Congress.

20th. At the office, I received three packets from Judge Fromentin at Pensacola, enclosing copies of documents in the legal proceedings in the case of Vidal against Inerarity; also a confidential letter from General P. B. Porter, Commissioner under the sixth and seventh articles of the treaty; all of which I took over to the President. Porter and the British Commissioner, Barclay, have agreed upon their report and decision relative to the sixth article, with the exception of one place at the mouth of Detroit River. At that point they have not yet been able to agree; but Barclay offers to accept a line proposed by Porter, on condition that we will engage not to fortify certain islands that will fall within our line. The Commissioners have no authority either to impose or propose such a condition, but they have agreed to refer for advice to me and Mr. Canning. To him, Porter says, Barclay had engaged to write by the same mail as Porter wrote to me.

The President said such an engagement could be made only by treaty.

I said a reciprocal engagement not to fortify upon any of the islands on either side might be made by a written assent, like that for reducing the armed force upon the Lakes, which was laid before the Senate and approved by them. I proposed to wait till to-morrow, when, if Canning should have a letter from Barclay, he would call upon me; if not, I could speak of it to him to-morrow at the dinner.

I left with the President the papers received from Fromentin. He gave me a particular account of the relations heretofore between him and John Randolph, and of the negotiation the spring before last, by which the reconciliation between them was so far effected that he invited Randolph to dine with him, and he went. It was effected by H. Nelson and G. F. Strother. The President returned me the draft of my note to the French Minister on the case of the Apollon, with a few remarks. I proposed to him, before sending it, to communicate it to Mr. Crawford for his examination and advice; which he approved.

21st. Mr. James Strong came to make enquiry of the success of his application for office in Florida. An ex-member of Congress is a wasp who has lost his sting; and it is piteous to see them soliciting offices of high distinction, for which they are not qualified, as consolation for the loss of the confidence of their constituents. I told Mr. Strong that I thought some knowledge of the Spanish language would be required both for the Governor and Judge. The State of New York has got into a practice of changing almost the whole of her delegation at every Congress: it is one effect of the system of bargaining and intriguing, which prevails there more than in any other quarter of the Union; and one consequence of it is, that she sends more ordinary, inefficient men than her proportion. They come with little knowledge of the general affairs of the whole Union, which form the subjects of deliberation in Congress, and by the time they have acquired experience necessary for the discharge of their duties their two years of service expire, and they are heard of no more, unless, like Mr. Strong, applying for offices suited to the level not of their capacities, but of the elevation which they had attained and have lost.

Mr. Calhoun brought a letter from a person named Clarke, containing indications of suspicions against Hassler, the astronomer, who attended on the Commission under the fifth article of the Treaty of Ghent, as having been too intimate with the British astronomer, Tiarks. By their observations they have brought the forty-fifth degree of latitude nearly a mile further south, where it touches Lake Champlain, than it had been settled by former observations, by which a place called Rouse's Point, with costly fortifications erected upon it, will be thrown within the British line. This has given great uneasiness in this country, and especially in the State of New York, where Rouse's Point is situated. This Mr. Clarke tells a story of Dr. Tiarks, the British astronomer, having said to him in a steamboat, supposing him to be a Canadian, that Elliot, the first astronomer on the American side, had been a troublesome old fellow, but that Hassler was more accommodating, and then, pointing to the spot where they found the forty-fifth degree touch the lake, had said, "We shall run the line to end there." Upon this foundation Clarke built his surmise that Hassler had been corrupted.

I told Mr. Calhoun that we had heard of this, and enquired into it more than two years ago, and found it was mere unwarranted suspicion.

Calhoun said Clarke had mentioned the whole affair to J. C. Spencer, and proposed to give notice of it to the General Government; upon which Spencer, to make mischief, had said the General Government would care nothing about it. I said at all events there was no harm done, the Commissioners under the fifth article having disagreed. Their reports are not yet made. But Hassler, so far from favoring the British side, had first started the claim of determining the latitude geocentrically, with allowance for the difference between the polar and equatorial diameters of the earth. I omitted, rather carelessly, to read the letter which Mr. Calhoun had brought with him. I dined at the President's with the foreign Ministers.

22d. I received a note from the President requesting me to send him the papers relating to the commercial negotiation with France, and those relating to the case of the Apollon. I had been half the morning assorting them, to send them to one of the committees. I took them to the President, who said he wished to give them a cursory perusal with a view to converse on the subject with Mr. Poinsett, who had requested it, and whose disposition was entirely friendly.

The President asked me if I had witnessed anything of a personal altercation last evening between the French and British Ministers. I had not. He said Mr. Thompson, the Secretary of the Navy, had heard from Colonel Freeman a rumor circulating in the city that those two gentlemen had a violent quarrel in the entrance-hall, before they left the house. The servants of the family had observed it, but, the words that passed between them being in French, had not understood what was said. Nothing had taken place at the dinner, or before they left the drawing-room, which indicated any misunderstanding between them; and the President was at a loss to know what had been the cause of it. I found at home that the report of it, magnified as usual, was prevailing all over the city.

23d. Mr. Sparks, the Unitarian, preached for the first time at the Capitol, to a crowded auditory. His election as Chaplain to the House of Representatives occasioned much surprise, and has been followed by unusual symptoms of intolerance. Mr. Hawley, the Episcopal preacher at St. John's Church, last Sunday preached a sermon of coarse invective upon the House, who, he said, by this act had voted Christ out-of-doors; and he enjoined upon all the people of his flock not to set their feet within the Capitol to hear Mr. Sparks. In the course of the last week, Mr. Patterson, a member from the State of New York, moved that the House should proceed to the choice of another Chaplain, on the pretence that he had vacated the appointment by non-attendance. It appeared that the Speaker had for some time omitted to give notice to Mr. Sparks of his appointment, and that Sparks was then in the city, ready to commence the performance of his duties. Patterson, after some discussion, finding himself unsupported, withdrew his motion. This extraordinary mode of opposition has only served to render Sparks more conspicuous, and to sharpen the curiosity to hear him.

24th. I dined with the Russian Minister, Poletica, it being the Emperor Alexander's birthday. About twenty-five in company—heads of Departments and the Corps Diplomatique. The dinner was rather dull. Mr. Canning came late, and Mr. Baker, the British Consul-General, who was with him, on entering the parlor, went up and spoke to the Baron Hyde de Neuville, who immediately went with him out of the room. When dinner was announced, on passing into the dining-hall we found Mr. De Neuville and Baker were there. Hyde and Canning neither spoke to nor looked at each other.

Mr. Poletica asked me for the toast, as usual, upon which I gave, "The Emperor Alexander, and the cause of the Cross," which he returned, by toasting, "The President of the United States, and the cause of Peace as long as possible." None of the other usual toasts in honor of the holy allies were given; we were a very short time at table, and the company retired almost immediately after dinner. The President of the Senate, Gaillard, and the Speaker of the House, P. P. Barbour, were of the company. I asked Stackelberg, the Swedish Chargé d'Affaires, whether he had seen the quarrel between Hyde de Neuville and Canning, in the entrance-hall, at the President's.

He had seen it all; and twice interposed between them. I asked him what they had said. He answered he did not know; by which he merely meant to decline telling what they had said.

Poletica was a little more communicative. He said that the quarrel had long been brewing; that one of its principal recent causes was a letter of Sir George Collier's, lately published in all the newspapers, and containing severe reflections upon the French Government, as still suffering the slave-trade to be carried on under their flag. Mr. De Neuville had been much hurt at this letter, and Canning had indulged himself in some sarcastic remarks upon it. At the ball given by De Neuville last week in honor of the Duchess of Angoulême's birthday, Mr. Canning went away before supper. De Neuville spoke of this to Canning while sitting at table at the President's, and expressed his regret at the circumstance. Canning, it seems, answered that there were places where he took pleasure in staying, and others where attendance was mere compliance with forms. De Neuville was much offended at this, but said nothing more at table. They left the drawing-room after dinner nearly at the same time, and before the carriage of either of them had arrived. While in the entrance-hall, De Neuville took Canning aside, to ask explanation of what he had said at table, but, instead of being satisfied with his answer, was more incensed by it. The irritation increased on both sides, until De Neuville, raising his voice, said, "Oui, Monsieur, je vous le répète, en présence de tout le Corps Diplomatique, que la franchise et la politesse sont des qualités *éminemment* françaises." Poletica did not say what was Canning's answer; but the fact was that before they parted there was menace of personal violence between them on the spot—by De Neuville with the clenched hand, by Canning in laying his hand upon his sword. Poletica says that De Neuville was wrong in breaking out there, and that he is now sensible of it. But, he says, the original wrong was in Canning, who is apt to make sarcastic remarks. There has been some correspondence between them since Friday, but apparently no adjustment of the difference hitherto.

26th. Mr. Baldwin, of Pennsylvania, asked whether the papers relating to General Jackson's Florida quarrels would be soon communicated. He said that there would be a very serious attack upon Jackson in Congress. I told him that I was ready and willing to communicate every scrap of paper relating to the affair now; but the President wished to withhold the papers altogether—or at least while the subject is in negotiation with Spain. Baldwin said it was sufficient reason for withholding the papers that there is a negotiation pending. He asked if I thought there had been anything wrong in the proceedings of General Jackson. I said that which it would be most difficult to justify was the seizure of the papers at St. Augustine, because it was in violation of an agreement which had been signed by Colonel Butler, and not disapproved by the President.

27th. Mr. T. Fuller was here, to speak of the appointment of a District Judge in Maine. He recommends a Mr. Ames, and understands the intriguing for the appointment of Ware as others do. Fuller spoke also upon the next Presidential election, and the great effort making among the members of Congress at this time to organize the party for Mr. Crawford. And he thought it necessary that something should be done to counteract it. He did not appear, however, to have matured his ideas with regard to the *way* in which it is to be counteracted. He, as well as others, appears to think that if all this management is used on one side, without any countermining on the other, it must and will succeed. He gave me some items of the allegations current for the purpose of discrediting me. One was, that Walsh's newspaper was set up by me, and that its support of Jackson was all to support me. Another, that the failure of the negotiation with France was owing to difficulties made by me; and that in the negotiation at Ghent, the notes that I wrote were so offensive that it was found necessary to substitute others in their stead.

I told Fuller that all the papers relating to the negotiation with France would be communicated to the committees of the two Houses. They would see what the difficulties were. My opinion was, that we had gone too far in the way of conciliatory propositions. But others might judge of them.

As to the Ghent negotiation, Mr. Bayard had once taken the trouble of clothing in his own language a dispatch that I had written, and at my request his draft had been used instead of mine for the text of the dispatch; but that had been altered as much as mine.. It was the first dispatch we wrote, and Mr. Bayard had not repeated the experiment. And almost the whole of the subsequent notes was written by Mr. Gallatin and by me. Fuller said there was about as much foundation for the report he had heard as is usual in such cases.

As to Walsh's paper, I had no more hand, I told him, in setting it up than he had. Walsh had often severely censured me, and, what was more offensive to me, had attacked my father.

He said that would pass for a mask. One reason, he said, why Walsh's paper was said to be my paper was his defence of General Jackson's late transactions in Florida even before he had been heard. I said it was natural enough that those who meant to make thrusts at me through Jackson's side should take the defence of Jackson as a proof of subserviency to me. The fact was, that in passing through Philadelphia I had dined at Mr. Sergeant's in company with Walsh, just at the time when the affair of Callava was figuring in the newspapers. I had received Jackson's report of the affair, and had said that, in my opinion, he had been throughout the transaction substantially right. Walsh told me he was of the same opinion even upon the facts as they were then known to the public; but I had no control over the opinions of Mr. Walsh. He was perfectly independent of me. Fuller said there were other subjects upon which he wished to converse with me, but must reserve them for another occasion, being now engaged.

28th. I mentioned to the President that Mr. Trimble, of Kentucky, had this day offered a resolution in the House calling for all the papers of the negotiation with France; and that there is another resolution calling for all the papers relating to General Jackson's Florida quarrels. I was for giving them all, and letting Congress battle it out among themselves upon them. The President appointed a meeting of the members of the Administration for to-morrow to decide upon it.

29th. Mr. Newton, Chairman of the Committee of Commerce, came this morning to the office in high spirits, saying he had brought me good news. He had in his hand a newspaper of the island of St. Christopher's, with a letter from John Hollingsworth at St. Eustatius, enclosing it to Mr. Rodney, the member of the House who had given it to Mr. Newton. The newspaper contained a petition from the Legislative Assembly of the island of St. Kitts to the British House of Commons, imploring a relaxation of the restrictions upon the commerce between the West India Islands and the United States of America, and representing the islands as on the brink of ruin from perseverance in that system and from the counteracting navigation laws of the United States. Newton insisted upon reading to me the whole petition, which is long, and will serve as a full answer to the memorial which is coming on to Congress from his constituents of Norfolk. He said he would have given it to Gales to publish in the Intelligencer, but he believed it would be best to let those people who were attempting to mislead the public opinion push on and get themselves as deep into absurdity as they chose, and then spring this upon them at once. It comes very seasonably for the maintenance of our system.

I read to Mr. Newton the dispatch from R. Rush of 3d January, 1820, giving the account of his dinner at Colquhoun's, and to which he refers in a late dispatch; and I sent to Newton's lodgings the papers relating to the negotiation with France.

Mr. W. Smith, Senator from South Carolina, came and asked for the papers relating to the organization of a government for Florida for the use of the committee of the Senate on the Judiciary. They had already been sent to the committee on the same subject of the House of Representatives, with whom he said he would communicate concerning them.

At one o'clock the Cabinet meeting was held at the President's, and the only question discussed was, whether all the papers relating to the negotiation with France and all those relating to the transactions of General Jackson in Florida should be communicated to Congress upon the two resolutions now before the House of Representatives to call for them. It was on all hands agreed that none of the papers ought to be communicated without a call, but all, except myself, were apprehensive of evil consequences from the publication of the papers: those containing the complaints of the Spanish Minister, because the negotiation is yet pending; those of the French negotiation, because they are irritating; and the letters of Fromentin, because they dishonor the country. I am satisfied that all the papers should be given. But the papers are wanted by two classes of members in the House of Representatives—those who are panting for debate, to make fiery speeches, and those who are eager to have a thrust at the Secretary of State. And the two classes may now be nearly resolved into one. It is the ground upon which the attack of the present session is intended to be made upon the Administration. To give all the papers now will make ample field for a month's debate, and give vent to ill humors, which would grow more malignant by suppression.

Mr. Wirt said that if the House of Representatives thought as he did, that General Jackson was wrong, they would pass a vote of censure upon his acts. And if they are to do that, it will be best to have their determination upon it before giving a final answer to the Spanish Government.

My own opinion is, that Jackson was at the foundation right. But the prejudices against him in the Cabinet are so strong, that I believe the best thing for his safety will be to bring him at once before the country. When Congress come to debate upon it, the feeling of the country will be in his favor. It was finally determined that the calls should be suffered to come, and that then all the papers should be given.

The meeting broke up about four o'clock, and returning from it I met Mr. Canning, who had been waiting at my office. We had a conversation upon the proposals of the Commissioners P. B. Porter and Barclay. I told him that there seemed to be no necessity for them to come to Washington to settle this question. It appeared to me that by the offer to take the intermediate line with a condition, Mr. Barclay had admitted his authority to take it unconditionally. The condition was certainly not within the authority of the Commission. General Porter had been perfectly right in disclaiming the power of acceding to it, and I thought such a condition would have invalidated the decision itself if they had agreed to it. They were not a Commission to negotiate, but to decide where the line of the middle of the river and lakes actually runs. They might agree upon the principle of taking the deepest channel or the middle line between shores, and they might, for the mutual accommodation of the two countries, adopt sometimes the one and sometimes the other of those principles—for example, to avoid dividing an island; but they had no authority to cede territory on either side. Mr. Barclay had not only travelled out of his record to make the proposal, but, by offering to take the line in question upon a condition, he has proved that he considers himself authorized to agree to that line. His scruple is not as to the boundary, but as to the use which we might make of islands within our line. The condition which he requires we could only engage for by an agreement to be confirmed by both Governments, like that for disarming upon the lakes; and we are willing to accede to it, provided it shall be made reciprocal and extended to all the islands at the mouth of that river. As we had agreed to disarm the waters, we, on our part, were willing to disarm the islands.

Canning intimated that Barclay's statement of the facts did not altogether agree with that of General Porter. He represented it as the only instance of departure from the principle of the half-way line between the two shores, and one which, on reference to a foreign sovereign, could not possibly fail to be decided in favor of Britain. Barclay, therefore, by acceding to the middle line, would in fact give up three small islands belonging to Great Britain, and might feel it to be his duty to insist upon the condition as an equivalent for the cession.

This, I said, was precisely what he could have no possible right to do. Mr. Canning had not brought Barclay's letter with him, and said he would look over the papers again and then give a definitive answer. However desirous he was of promoting the agreement of the Commissioners, he thought he could not interpose in this case at all.

I then spoke to him of the case of Wilcocke, the man who was arrested in Vermont, by a process returnable to a Court at Burlington, and then carried into Canada and imprisoned at

Montreal. I gave Canning a Montreal newspaper containing a publication by Wilcocke, showing that he had been acquitted upon all the criminal prosecutions against him; asked him to read it, and told him that I wished they would release the man without forcing us to renew the demand in official form. Our jurisdiction had been violated. If Wilcocke had consented to go, his consent could not repair the wrong to us. I had recently had an application from the Governor of Vermont through a member of Congress about it, and if Wilcocke was not released we should soon have a resolution brought forward in Congress concerning it.

Canning said, in that joking manner which he thinks witty, but which is excessively indiscreet, "What a troublesome body this Congress is!"

"Not quite so manageable as your Parliament; and you find even that sometimes troublesome," was my reply.

Canning knew that Wilcocke had been acquitted; but said it was because certain testimony could not be brought to bear against him; and said the Governor of Canada had not the power to release him. Yet he appeared to be disappointed when I told him I should on Monday answer him that we could not deliver up the men from Newfoundland charged with statute piracy.

It was six o'clock when I got home to dinner, after receiving a sharp note from the Spanish Minister, Anduaga, about Jackson's affairs, and complaining that I have not even acknowledged the receipt of his notes.

Frye told me that last evening a deputation from the Pennsylvania delegation had waited upon Mr. Calhoun and invited him to stand a candidate for the Presidency at the next election, to which he, after some hesitation, had assented. It is understood that a caucus of members of the South Carolina Legislature have recommended Lowndes.

31st. Dr. Bronaugh called, as I had requested. I asked him if General Jackson's accounts were settled to his satisfaction. He said they were.

I then told him that I had received a second and a third complaint from the Spanish Minister against General Jackson, which it would be my official duty to answer; that my own disposition will be to defend him to the utmost of my power; that the new charges of the Spanish Minister against him would be communicated to him, as the first had been, with a view to have his own entire justification by himself before transmitting to him a final answer; that I understood a new attack upon General Jackson was meditated in Congress, and if there were any of the members of either House whom he considered as especially friendly to the General with whom I could freely converse in promoting his defence, I would thank him to mention them.

He named Mr. Baldwin and Mr. McDuffie of the House, and Colonel R. M. Johnson of the Senate, and he said he thought the whole of the New York and Pennsylvania delegations would be in his favor.

I said I had some apprehensions that a part of the Virginia delegation, who in the affair of the Seminole War supported him, would now be against him.

He said he supposed they would, but he thought none of them would be very strenuous excepting Mr. Archer, whose attack would be as much against the Administration as against General Jackson.

Mr. Baldwin, member of the House, called, and I spoke to him about the call for papers in the case of General Jackson. Baldwin appeared to be unwilling that the resolution should pass, and yet not prepared to resist the call. He said, if the question related to General Jackson alone, he could count the House and know friend from foe; but electioneering would mingle with this question, and there was more electioneering abroad than I was aware of.

I told him that he might know more of the detail than I, but that there was violent electioneering, and that it would mingle itself in every Act of Congress, I had no doubt, and had long known.

He said that the papers when communicated would be referred to the Committee of Foreign Relations, and he understood they were divided on the question respecting Jackson—three and three, and one doubtful.

I said that the papers relating to Fromentin would not be of the resort of the Committee of Foreign Relations, and that it would be more advisable, I should think, to refer the whole to a select committee.

Baldwin said he had understood there was some misunderstanding between Mr. Russell, the Chairman of the Committee of Foreign Relations, and me. He had therefore written a note to the President, proposing to him to send to Mr. Russell, and to converse himself with him. Baldwin said he did not expect to come to Congress again.

I told him and Bronaugh both that the point in which I foresaw the greatest difficulty in vindicating Jackson would be for the seizure of the papers at St. Augustine, because there had been an agreement between Colonel Butler and Coppinger that they should remain in possession of the Spanish officer till the question concerning them should be decided by the two Governments; which agreement had been approved by this Government. Bronaugh said first that he thought there had been some evidence of an intention in Coppinger to carry the papers away; but I did not recollect that there was such evidence. He then said he thought General Jackson was not aware of the agreement. I had determined, if possible, not to let the day pass without answering the Spanish Minister's last letter, and to accomplish it I remained till dark at the office.

Mr. T. Fuller came. He spoke of the caucus in the South Carolina Legislature—one hundred and ten members, fifty-seven of whom had agreed to recommend Mr. William Lowndes as a candidate for the next Presidential election. He spoke also of the deputation of members of Congress from the North and the South who had waited upon Mr. Calhoun last Friday and invited him to stand a candidate also at the next election, to which he had, after some hesitation, assented; and since that time there had been an active canvass going on, and scarcely a member whose dispositions had not been sounded with a view to making partisans for him. Fuller said that he was afraid of appearing officious. I had appeared indisposed to making any exertions in my own favor; but if something should not be done to counteract the caballing, public opinion would be forestalled, and a party too strong to be broken would be formed.

He had no interest of his own in view. He did not even intend to be a candidate for the next Congress. But he felt a pride in the honor of his country, and was unwilling to see its highest dignity thus disposed of. He should, therefore, on his return home suggest to some gentlemen the propriety of moving, to show at least that they are not disposed to abandon the claim to a candidate of their own. He said he should see some gentlemen this evening and propose to ascertain from Mr. Calhoun the fact how far he had assented to stand a candidate, though it was fully known that he had.

I said I had some thoughts of speaking on the subject to him myself, with a view to its bearing upon the Administration at this time.

Fuller asked me if I had any objection to conversing with other members of Congress whom he named. I said, none at all. He named Tomlinson, of Connecticut, Taylor and Tracy, of New York, Plumer, and all the New Hampshire delegation, and Lincoln, of Maine. He said that possibly these gentlemen, who were working so hard to raise recruits, might defeat themselves by their own indiscretion. Mr. Crawford's cause had been ruined in that way, and his New York Sentinel, got up for the express purpose of supporting him, would not avail him. Fuller spoke also of a piece which appeared in the Washington City Gazette of Saturday, the day after the caucus cabal at Calhoun's, full of the vilest and falsest ribaldry against me, republished from Tennessee and Georgia papers, and repeated here precisely at the time when they were beating up for partisans to their new candidate among the members of Congress. He thought it ought to be answered, as it could most triumphantly be.

I told him that if it should be answered, it would immediately be said I was canvassing for the Presidency. I never that I recollect but once undertook to answer anything that was published against me in a newspaper, and that was at a time when I was in private life. To answer newspaper accusations would be an endless task. The tongue of falsehood can never be silenced, and I have not time to spare from public business to the vindication of myself.

Fuller told me that Eustis was perfectly well disposed, and that Russell had of late (that is, within a few days) manifested a disposition not unfriendly to me. Eustis had said it was best, as he was of a headstrong temper, to let him find his own way; and he had therefore said nothing to him.

January 1st, 1822.—This year began, as the last had commenced and closed, with solitary meditation. Mr. Bailey was here this morning on the subject concerning which Mr. Fuller spoke last evening. He was anxious that some answer to the slander in the Washington City Gazette of Saturday should be published; which I dissuaded.

Mr. Sterling, of New York, came with a recommendation of a Mr. Butterfield for District Attorney in East Florida. He excused himself for not dining with me upon an engagement to dine at Mr. Van Buren's with the whole delegation from New York. He said it might be thought there were politics in this; for the rash step of a part of the Legislature of South Carolina would set the whole continent to premature electioneering. I asked what they had done. He said that one hundred and ten members out of one hundred and sixty-nine had met in caucus, and fifty-seven of them had voted Mr. Lowndes as a candidate for the Presidency at the next election. It was but one-third of the whole Legislature, and was altogether a precipitate and injudicious measure. Mr. Sterling spoke also of a resolution that he has offered in the House of Representatives, having a view to the organization of some system for the settlement of claims upon the United States. He thought the Committee of Claims, and the House itself, ill adapted to this business, and asked some questions as to the practice of the European Governments.

At noon we attended the drawing-room at the President's. The crowd of company was as great as I have ever known it on any similar occasion. We remained not long there. The Indians paid their visit after we came away. Trimble told me that he had moved the resolution for the call of the papers concerning the negotiation with France as an individual member, without consulting the Committee of Foreign Relations, of which he is a member, but in concert with Mr. Lowndes.

He said he had offered the resolution before the papers had been sent to the committee—which I thought strange, because the resolution called for the papers classified, as I had sent them to the committee in three divisions.

From the President's we went to General Van Ness's, and paid a wedding visit to his daughter Ann, who was last week married to Arthur Middleton. We met among the company there Mr. and Mrs. Eustis, and Mr. and Mrs. Russell. Russell told me that Trimble had offered the resolution calling for the papers not only without consulting the committee, but against his opinion and inclination. I said Trimble had told me that he had moved the resolution before the papers had been received by the committee. "He says so now," said Russell; "but I have told him that I thought it extraordinary he should have offered the resolution without notice to the committee."

Eustis advised me to pay a visit to the mess at Coyle's—for a bird had told him it would be advisable.

I attended at the office. Mr. Canning came, and I had a conversation of an hour with him upon the question between the Commissioners P. B. Porter and Barclay, and upon the affair of S. H. Wilcocke; upon the Navigation Act, and various other matters. He appeared anxious to maintain the position that the proposal for taking the middle channel, *on a condition*, was not made by Barclay—because Barclay's letter to him only says, "a proposition was made." But Porter's letter explicitly says that it was made by Barclay. Mr. Canning's object still seemed to be to ascertain what we would do; and he manifested a disposition to change the proposal from an engagement not to fortify, to a stipulation not to occupy the islands. He enquired if we should be willing to extend the agreement to other islands throughout the line.

I told him my authority was limited to an agreement respecting the islands at the mouth of Detroit River, and that it was suggested merely to remove the fears and scruples of Mr. Barclay. He was afraid of the *use* we should make of the islands which would fall within our line. We were willing to remove those fears by agreeing, in the only way by which we could agree, not to fortify them. But this engagement must, of course, be reciprocal. He finally came to where he was at first—that he had no authority to interfere. Upon Wilcocke's case, too, he said he had done all in his power, but the Governor of Canada had no authority to discharge him. He was confined for debt. What could he do? I said that, as the man had been acquitted upon all the criminal prosecutions, and as the persons at whose suit he was confined were men over whom it was presumable the Governor had a personal influence, and as it was not likely anything would ever be recovered of him by keeping him in prison, I thought a hint might be given to him that it would be well for him to let Wilcocke be discharged. He did not specially reply to this intimation, but induced me to suppose he would comply with it.

As to the Navigation Acts, he said he saw there was some movement concerning them; referring to the Norfolk resolutions and the message from the Governor of Virginia.

I told him there were also counter-movements in the West Indies, and referred him to the petition from the island of St. Christopher's to the House of Commons. I added that the President of the Board of Trade, Robinson, and, I believed, the Marquis of Londonderry, were at heart in favor of relaxation.

He said the last words that the Marquis had said to him had been, that there was not the remotest prospect of the movement of that interest.

That, I said, might be, though his Lordship's opinion might be different.

The conversation closed with some remarks of a soothing and almost apologetic nature from Mr. Canning about warm tempers and amicable dispositions.

2d. I took over to the President a translation of the Spanish Minister Anduaga's letter of 27th December to me, and a copy of my answer. Mr. Thompson, the Secretary of the Navy, came in immediately afterwards. There was some conversation relating to the capture by Lieutenant Stockton, in the Alligator, of a Portuguese vessel which fired upon him, mistaking him for a South American privateer. Stockton has sent her into Boston. The President read a letter which he had written to

General Jackson, accepting his resignation as Governor of Florida. It was expressed in warm though general terms of regard, and Mr. Thompson objected that it would import the President's approbation of General Jackson's late transactions in Florida. This led to some discussion of them, in which Mr. Thompson admitted that he had a very imperfect knowledge of all the circumstances, not having seen a great portion of the papers, but upon the facts, as far as he was acquainted with them, his opinion was unfavorable to Jackson. The President asked him to read all the papers; which he promised to do. The President asked me if I thought the expressions in the letter were too strong. I said they were such that, after receiving the letter, General Jackson would naturally not expect that the President would at any future period express public disapprobation of anything done by him as Governor of Florida. But, in my opinion, there was not one word too much. General Jackson I thought had done nothing, with the exception of the papers seized at St. Augustine, but what he had a right to do. It was indeed impossible for me to scan the actions of General Jackson as I might those of an indifferent person. General Jackson had rendered such services to this nation that it was impossible for me to contemplate his character or conduct without veneration. But, setting this aside, in the whole of his transactions with Callava and Fromentin I saw nothing in what Jackson did which he had not the right, nay, more, which he was not bound in duty, to do. As to the banishment of the Spanish officers, as a question of expediency, General Jackson might perhaps have despised their insolent publication in the newspapers, but I had no doubt of his right to order them away; and the same thing had been done in Louisiana. Dr. Bronaugh told me he believed that General Jackson did not know of the agreement between Butler and Coppinger concerning the papers at St. Augustine. And if Jackson should himself state this, it would furnish an answer to that part of the complaint.

The President gave me the letter, to have it copied at the office and sent to the General; but he afterwards sent me a note asking me to return it to him, to make some slight modifications in it, and it was sent back. After Mr. Thompson withdrew, I spoke to the President of the call by Trimble for all the papers which had been sent to the Committee of Foreign Relations, and to the composition of that committee itself. I told him that there were subjects upon which I had hoped I should never be under the necessity of speaking to him, or, if ever, not till the very close of his Administration. But things had been so prematurely forced on that they were now infecting, and would continue to infect, every measure of this Administration. I reminded him of the offer which J. W. Taylor had made, of friendliness to the Administration, before the commencement of the session of Congress; of the proposal that I had made to him, by the use of such influence upon members friendly to the Executive as might properly be exercised, to permit, or rather not prevent, the re-election of Taylor as Speaker. He had thought it an obligation of duty to avoid all interference in the election, in consequence of which I had felt it my duty to use the same forbearance. But others had not so abstained. I had at that time a conversation with Mr. Calhoun, in which I had endeavored to persuade him merely to permit the re-election of Taylor, but without success. He and Mr. Thompson had effectually prevented the re-election of Taylor. But they could not accomplish the election of either of the men whom they had intended for his substitute. The result had been a Speaker whom nobody had expected, and certainly not very friendly to the Administration. It had always been considered as a practical rule that the Committee of Foreign Relations should be the confidential medium of communication between the Administration and Congress. The Speaker had now appointed a committee entirely new, of members chiefly known to be hostile to the Administration, with a Chairman generally understood to be at personal variance with me. To this committee all the papers relating to a complicated and delicate pending negotiation with France are confidentially committed, and the next day one of the members of the committee offers a resolution calling for them all. And, while this is going on, last Friday evening a deputation from a small number of members of Congress waited upon Mr. Calhoun at his house and invited him to stand as a candidate at the next Presidential election, to which he assented. The next day, in a Gazette of this city, a piece of three columns of the vilest and foulest slander upon me is published, and from that day no conclave of cardinals was ever more belabored with caballing than Congress have been to make partisans for the new candidate. All this was a natural consequence of the position in which the members of an Administration were placed towards one another by Mr. Jefferson's principle of limiting the Presidential service to eight years. I could solemnly declare that all my views hitherto had been exclusively confined to the support of his Administration. It was with that view alone that I had proposed to accept the proffer of Mr. Taylor. It was very unfortunate for the Administration that this offer had not been accepted. I should continue to act on the same principles as long as it would be possible; but, in the way things were now working, I knew not how long this might be.

The President said he was fully aware that such always had been my conduct; that he had been perfectly satisfied with my service, and hoped I should continue it during the remainder of his Administration; that from the interest always taken by the members of Congress in the Presidential election, it was natural that the prominent members of an Administration should, by their respective friends, be considered as competitors for the succession to the Presidency, and there was no question but that the diverse views of different members of Congress with reference to the succession would affect very materially their conduct in relation to depending measures. He believed that any movement by members of Congress now would be premature, and of little effect upon the ultimate result. He had been during a certain period of Mr. Madison's Administration in a predicament not unlike that of the present time. With regard to the management of the war, General Armstrong being at the head of that Department, he (Mr. Monroe) had from various circumstances entertained the opinion that Mr. Madison did not give due weight to his own opinions of military measures to be adopted. The succession then, too, mingled itself with everything in Congress, and at a most critical period of the war. In order to take away from those who were thus disposed the motive for such caballing, he had requested some of his particular friends, among whom Mr. Hugh Nelson was one, to say that he desired his name might be discarded as a candidate for the succession to the Presidency; and if the war had continued, an arrangement to that effect was actually made, and the name of another person was to have been brought forward. After the close of the war, however, no great interest of the country being at stake, it was not thought necessary further to pursue that plan. With regard to the person who might be chosen as his successor, from the relations between the several members of the Administration and himself, he felt it his duty to take no part in favor of or against any one.

I said this was what I should have expected, and was in my own opinion the only proper course to be pursued by him; and I added that if in the progress of his Administration any similar crisis to that of which he had spoken should arise, wherein the withdrawal of my name from all consideration as a candidate would subserve any purpose useful to the country, I should very cheerfully imitate his example.

He said he could see no possible occasion for that, and there might be occasions on which a vindication of my character from obloquy in the public prints would be proper.

I observed that as to Mr. Russell, I knew of no other cause of personal dissatisfaction on his part to me than the fact of his not having been sent on a foreign mission since his return from Sweden, which he might perhaps attribute to me. I had never borne him personally any ill will. The personal intercourse between him and me had begun by my rendering him a service of great importance to him. I had afterwards corresponded with him as Chargé d'Affaires in France and England. We had acted together as Ministers at Ghent, having always been upon terms of good understanding together. How far Mr. Russell had acted the part of a friend to me or done justice to my character when he (the President) consulted him with a view to appointing me as Secretary of State, he knew as well as I. Mr. Russell's conduct and testimony on that occasion was well known to me. I was not unacquainted with the efforts which had then been made to stagger his confidence in me; but the only memory which I wished to retain of it was his resistance to them, and his perseverance in calling me to the station in opposition to them. This I should never forget; but I retained no resentment against Mr. Russell. In August, 1817, I had seen him at Quincy, when he was just on the point of sailing to return to Sweden. He had then told me that he thought himself entitled to a better mission, and expressed some inclination for that of Russia. And I appealed to the recollection of the President that I had informed him of this very soon after I came here. He remembered it, and said that Mr. Russell was under obligations to him. He had aided in advancing him in the diplomatic career as far as the public sentiment would possibly bear; and had told him when he last returned to Sweden that it was not expected the mission would be for more than one year. I might tell him from *him* that his mind had been so fully made up on the subject that if I had made ever so earnest recommendation of Russell for a foreign mission, he should not have appointed him. His opinion was that the Executive had favored him as far as was consistent with propriety; that Mr. Russell's proper course was, after the close of that mission, to come home and be brought forward in the line of popular support; to serve in the State Legislature and in Congress for some time; to manifest his qualifications for public office before the country and the world, after which he would stand on fair pretensions for employment abroad in competition with others.

We attended an evening party at Mr. Thompson's, the Secretary of the Navy. I had conversations with R. King and J. W. Taylor upon the state of our commercial relations with France. Taylor says Trimble told Russell that he moved the call for the French negotiation papers to relieve him from embarrassment arising from his personal misunderstanding with me; which imputation Russell repelled with some resentment. I had also some conversation with Mr. Van Buren concerning General Jackson's Florida concerns.

3d. W. Plumer, of New Hampshire, was at the office, and told me he had this morning seen and conversed with Mr. Calhoun, who had assured him that his assent to stand as a candidate at the next election for the Presidency was qualified—a candidate against any Southern man. His own opinion had invariably been in favor of a Northern man for the next President, and personally for me. But the intimation given to him had been that I should have no support from the North; and in that case he had been willing to stand against any Southern man, and particularly against Mr. Crawford, whose principles and character he could not approve.

I asked Plumer if Calhoun had told him that he had spoken in the same manner to the deputation that went to his house and invited him to stand as a candidate.

He had not. Plumer thought it would be advisable that some manifestation from the North should be made as evidence of opinions there. The Massachusetts and Maine Legislatures are now in session. Maine has been so canvassed against the current for three years as not to be yet prepared to act; and I told Plumer that if a legislative opinion should now be taken in Massachusetts, I should wish it might be confined to the Republican party, and with express assignment of the movements in South Carolina and here as the occasion of it. He said he would write to Fuller.

Mr. Mark L. Hill called here. He spoke of the state of politics in the State of Maine; of Mr. Parris, who from being the District Judge has been elected Governor, and of the candidates for the office vacated by Parris; Ames, Williamson, and Ware. Hill talked as he always does, indecisively, but he obviously meant me to believe him to be in favor of Ames. He also spoke of the Presidential electioneering now going on here, and of the prospects of Mr. Crawford, which he thought now not specially promising. I told him Mr. Crawford's prospects were fairer in the State of Maine than in any other of the Union; for Governor King had been canvassing for him there these three years. He professed, with some hesitancy, not to have been acquainted with this fact; but he knew it as well as I did. Hill is a man of a mild temper and moderate abilities, whose great concern is to be on the strongest side.

4th. At the office. I had a second letter from the Portuguese Chargé d'Affaires, Amado, claiming restitution of the vessel sent into Boston by Lieutenant Stockton. The vessel is libelled in the District Court at Boston. I went immediately to the President, and proposed to him that instructions should be given to G. Blake, the District Attorney, to cause the vessel to be given up on the most indulgent terms possible. The President sent for Mr. Thompson, Secretary of the Navy, who came, and agreed to write to the officer commanding at the navy-yard at Charlestown instructing him to deliver up the vessel to the Portuguese captain; for which he required a written request from me. I accordingly, on returning to my office, wrote him a note and a letter to G. Blake; drafted also a dispatch to R. Rush.

The President told me that a very unpleasant affair had occurred yesterday, and had not yet terminated. The Postmaster at Albany, Solomon Southwick, was to be removed by the Postmaster-General for delinquency in his accounts. A recommendation of General Van Rensselaer to be his successor had been signed by twenty-two of the members of the New York delegation, and of all the political parties. The Postmaster-General came to him yesterday and told him of these circumstances, adding that his mind was made up to appoint General Van Rensselaer, unless the President had an objection against him. The President said he had himself no objection, but he would wish to consult the Secretary of the Navy.

He accordingly saw Mr. Thompson, who objected in the strongest manner. But he informed Vice-President Tompkins and the New York Senator, Van Buren, of it, and they had been exasperated against it to such a degree that Tompkins broke out into the most violent language against the President himself, and in presence of a person who he must have known would report all he said to him. And thus the matter now stands. Mr. Thompson came in while the President was relating to me these circumstances, upon which he changed the subject of conversation.

5th. R. C. Mallary, a member of the House of Representatives from Vermont, called at the office at my request. He had written to me, at the desire of the Governor of Vermont, to enquire what had been done in the case of S. H. Wilcocke, the man who was carried out of that State and is now in prison at Montreal.

I told him the substance of the correspondence and conversations between Mr. Canning and me concerning Wilcocke, read to him the answer of Mr. Griswold, the District Attorney in Vermont, to the letter which I had written to him in the case, and gave him the reasons for which we had abstained from pressing more decisively upon the Canadian Government for his discharge. Mallary declared himself entirely satisfied, and admitted the mutual public benefit on that frontier of occasional recoveries, though not altogether regular, of fugitive malefactors.

Mr. Poinsett, a member from South Carolina, came to ask for the perusal of the diplomatic correspondence with the French Government, and particularly the calculations of Mr. Gallatin. They are all in the possession of committees of the two Houses, and I referred him to the Chairman.

A note from the President summoned an immediate meeting of the members of the Administration, which was fully attended. It was upon the appointment of the Postmaster at Albany. There was a letter from the Vice-President and both the New York Senators, R. King and Van Buren, requesting that the appointment might be delayed a fortnight to give time to hear from Albany. The Postmaster-General, R. J. Meigs, Jr., was at the President's, and was called in. Upon enquiry from the President, he said that he had determined to appoint immediately General Van Rensselaer, unless the President should object against it. His motives for making the appointment were, that twenty-two members of the New York delegation, eleven of whom were Bucktails, seven Clintonians, and four federalists, had signed a written recommendation of him. He had served as an officer in the late war, and was suffering for life from the effect of wounds received in it. There could be no doubt that his appointment would be acceptable to the people of Albany, for it was by their suffrages that he was now the Representative in Congress of their district; and, finally, no other candidate had been presented to his consideration.

Mr. Thompson asked if the late Chancellor, Lansing, had not been named to him. He said, no, and added that Mr. Lansing was nearly seventy years of age.

I enquired if there would be any inconvenience in delaying the appointment for a fortnight. He said there would; that Southwick would in the mean time be receiving the money of the public, and the longer he remained in office the greater would be the amount of his delinquency.

I asked if his deputy could not be authorized to act in the interval. He said his deputy was of his own family and would be under his control.

After he withdrew, the President said he thought it very questionable whether he ought to interfere in the case at all.

And now a warm discussion arose, with much diversity of opinions. Wirt said that the determination now not to interfere would itself be an interference, and he severely censured the Postmaster-General for asking at all the opinion of the President, after having made up his own mind. It was an attempt to put off his own responsibility upon the President. Crawford concurred in this opinion.

I said I did not see his conduct exactly in the same light. ✓ The law gave the appointment of all the Postmasters exclusively to the Postmaster-General; but he himself was removable from his own office at the pleasure of the President. Now, Mr. Granger had been removed with disgrace by President Madison for appointing Dr. Leib Postmaster at Philadelphia. Mr. Meigs, therefore, in determining to appoint General Van Rensselaer, not only exercised a right, but performed a duty of his office; but, with the example of Mr. Granger's dismission before him, it was quite justifiable in him to consult the President's wish, with the declared intention of conforming to it. I thought I should have done the same under similar circumstances.

Mr. Wirt and Mr. Crawford then shifted their ground of censure upon the Postmaster-General to the charge of having told Van Rensselaer himself, and others, of his intention to appoint him, unless the President should object. Even in this I saw nothing to censure. The grounds upon which he had resolved to make the appointment were solid and sufficient. If the President had objections, it was proper that he should be responsible for them. Mr. Thompson hinted that as to Van Rensselaer's character, much might be said against that, but he did not incline to say it. Mr. Wirt and Mr. Crawford then insisted that if the President should decline interfering, it should be on a general principle that he would in no case of a post-office appointment interfere.

I thought, on the contrary, that the special circumstances of this case were sufficient, and ought to be the only reasons assigned for declining to interfere. There might be cases in which it would be quite proper that the President should interfere; and I said I hoped he would not preclude himself from the use of influence on a proper occasion, by extending beyond its necessary limits the ground of declining to act at this time. Crawford said then the law ought to be changed. I said that might be. And Crawford adverted to a joint report made by him and Mr. Monroe in 1816, which had recommended that all the Postmasters whose salaries amounted to two thousand dollars should be appointed by nomination to the Senate.

The effect of this would be to transfer patronage from the Postmaster-General to the Secretary of the Treasury, through whom all applications for those appointments would be made. The President, without declaring how he should decide, requested Mr. Thompson when the meeting broke up to remain with him. Calhoun took scarcely any part in the discussion, but after we came out from the President's said that the conduct of the Postmaster-General had been perfectly correct. Why did he not say so while the discussion was going on at the President's? The four members of the House from New York who did not sign the recommendation of Van Rensselaer are Pitcher, Walworth, Litchfield, and McCarty; and two of them told Van Rensselaer that they wished he might be appointed, although they declined signing the paper.

6th. I had much conversation with Edwards, who told me much of Crawford's electioneering practices at the public expense. D. P. Cook has offered a resolution in the House of Representatives calling upon the Secretary of the Treasury for information, which will show the appointment of Jesse B. Thomas, a Senator from the State of Illinois, to examine land offices and banks in four or five of the Western States. And under this commission Thomas has been travelling from land office to land office, over all those States, everywhere canvassing for Crawford and reviling me. Edwards says that at Zanesville Thomas had a sharp quarrel with two men because they would not pledge themselves to support the election of Crawford. Edwards laughed at me, too, for having last winter appointed Radcliff to go for the votes of the State of Mississippi. He, too, took three months to perform his journey, which he ought to have completed in six weeks, and went electioneering for Crawford all the way. The poor creature died a few weeks after he came back. Now, Crawford has been seven years working himself up-hill in this manner, and has three years more to work himself up to the summit. What chance against him will a man have who neither can nor will use such means?

D. P. Cook was here. I told him that his undertaking to put down corruption by open and direct attack was bold and magnanimous, but full of peril; and that had he consulted me as a friend before he produced his resolutions, I should have advised him many times to look before he took the leap. He said he was sure of his facts, and if he could do nothing with him in Congress he would expose them to the view of the people. He thought the appointment of Thomas to examine the land offices a violation of the spirit both of the Constitution and of a law of Congress. It was, he believed, a violation of their letter—perhaps in that he might be mistaken. He could not be mistaken in the opinion that it was essentially corrupt.

I asked him if in the debates that would arise he could reckon upon support in the House. He said he had been assured of support from several members of distinguished talents and influence. He said he should offer another resolution for information, the return of which would show the loss of large sums of money to the public by deposits of it in banks known to be insolvent, with stipulations that they should have the benefit of it for six months. This made all the directors of all these broken banks in the Western country ardent electioneering partisans for Crawford. It was done particularly for the Bank of St. Louis, in Missouri, negotiated here by Benton, the Senator, who, when the bank broke, published in the newspapers that he had had no agency in the direction of their affairs, because he had been absent all the time at Washington.

7th. I received a third and very petulant letter from Mr. Amado Grehon, demanding a categorical answer whether we would or would not restore the Portuguese vessel taken by the Alligator. Instead of answering it in the same style, I sent for him, and told him I had written to the District Attorney at Boston urging the restoration of the vessel upon the easiest possible terms. I took to the President's a letter from Judge Fromentin of 11th December, with an argument to maintain his jurisdiction against the President's decision.

The President told me that he had answered the Postmaster-General that he should not interfere in the case of the appointment of the Postmaster at Albany. We had an evening party of about four hundred persons, and dancing till near midnight. J. W. Taylor told me that S. Van Rensselaer had already got his commission as Postmaster at Albany, and was going off to-morrow morning.

Here occurs another gap in the diary. The writer resumes his work with the next entry:

Distress'd, O God, in body and in mind,
Still to Thy pleasure be my soul resign'd.
In just proportion let my strength compare
With all the trials I am doom'd to bear.
Oh, guard my spirit through this fitful scene,
To Thee submissive, to the world serene!
For, while Thy hands affliction's arrows deal,
Thy hands alone the wounds they give can heal.

April 1st, *Monday*. I make one more effort to resume my diary, which has now suffered repeated and irreparable interruptions. I abandon definitively the attempt to keep it minute and circumstantial. Cabinet meeting at the President's—Wirt only absent. Question about a reprieve or pardon of Lanham, a soldier sentenced to be hung next Thursday for the murder of Kelly—many extenuating circumstances. Captain Hook sent for, and speaks much in his favor. T. Ringgold, the Marshal, brought a petition in his favor. Discussion between Crawford, who denies, and Thompson, who asserts, the right of the President to grant a conditional pardon. Crawford strongly inclines to the execution. Calhoun and Thompson waver. I gave no opinion. The President finally desired me to write to the Judges—Cranch, Thruston, and Morsell—requesting them, and also the District Attorney, Swann, to come to his house at one to-morrow. I sent them notes accordingly. Sent my reply to Poletica, and received a stinger from Amado.

2d. Mr. Canning called about certain claims of British subjects to lands in Alabama, Mississippi, and the Floridas. He had sent me a paper on the subject, not very explicit—and now hinted at some arrangement between the two Governments concerning it. I told him I saw nothing to treat about.

Canning complained of some reflections upon the British Government in a report of Mr. Newton, Chairman of the Committee of Commerce, to the House of Representatives. I told him it was a set-off for speeches of Lord Londonderry and Mr. Vansittart in the House of Commons.

He spoke also of the new pretensions of Russia on the northwest coast of America. And Mr. Canning said he hoped it was understood that *he* had not used any expression of dissatisfaction at the recognition message.

I called at the President's, who told me that the Judges (Cranch and Thruston) had been with him, and recommended Lanham to mercy. He would therefore reprieve him at the foot of the gallows.

Mr. Hyde de Neuville came at four, and urgently pressed for an answer to his last proposals, and said he wished to send Mr. D'Aspremont to France, to go next week. He rambled over the subject of our commercial negotiation, as usual, without coming to any point. I promised to report the conversation to the President, and let him know as soon as possible the result.

4th. The President read the draft of a message I had drawn, to go to the House of Representatives with Mr. Calhoun's report, in answer to a call of the House enquiring whether the army of the United States in Florida was under the command of the Secretary, or of their officers. He approved the draft. He has under consideration the reply to Anduaga's protest.

6th. I received yesterday a note from the French Minister on the commercial negotiation, which I took this day to the President, who directed a Cabinet meeting to be held upon it on Monday.

7th. In the evening Mr. De Wolfe, a Senator from Rhode Island, came in great alarm, expecting that the British Government will, within a month, take possession of the island of Cuba. I thought his apprehensions at least premature, and endeavored to reason and to laugh him out of them—not altogether successfully.

8th. Cabinet meeting at the President's. All present except Mr. Wirt, who is at Annapolis. The President read the draft of a long message which he proposed to send to both Houses of Congress, explaining his views in the construction which he gave to the law of the last session of Congress for reducing the army. The Senate have rejected two of the nominations of the officers whom he had appointed during the recess, and resolutions have been offered in the House of Representatives to censure those appointments as not conformable to the law.

Mr. Crawford gave his opinion very decidedly against the message, which, being sent while a measure is pending, he thought would be a breach of privilege and extremely offensive. He gave it also as his opinion that the appointment of Colonel Towson was not warranted by the law, and was in violation of the Constitution; and he said he had told Mr. Wirt last summer, when consulted by him, that this was his opinion. His objection is that the letter of the Constitution authorizing the President only to fill by temporary appointments to vacancies which happen during the recess of Congress, he cannot, unless specially authorized by law, fill vacancies which happen while Congress are in session, nor offices newly created, such as Towson's. This opinion he maintained with great pertinacity against the President and against Calhoun. Mr. Thompson not concurring in the opinion, yet thought the message should be communicated only to the Senate.

After two hours of discussion without coming to a conclusion, the President took up the note of the 5th from the French Minister. He proposes a discriminating duty of four dollars and a half a ton of merchandise, to be levied as an extra duty upon American merchandise imported into France in American vessels, and upon French merchandise imported into the United States in French vessels. I am persuaded that the admission of *any* principle of discrimination by treaty will be dissatisfactory to the people of this country. But the admission of this principle has already been settled, and it was now determined to offer a duty of two dollars, or even three, for eighteen months, to be afterwards annually reduced by one-eighth till notice given by either party of the termination of the bargain, which is also proposed by Mr. De Neuville. I am to prepare a draft accordingly.

10th. Mr. Canning came to speak again of the claims of British subjects in the States of Mississippi and Alabama and in Florida. He is desirous of making it a subject of legislation; but I told him I thought it could only be for judicial decision. We diverged, as usual, into various topics of politics, among which were the slave-trade and the right of search.

The family spent the evening at Dr. Thornton's. I took up the census of 1800, with a view to compare the proportions of persons under and over sixteen years of age with those of the preceding and following enumerations. But, on examining the general aggregate made up from the returns of the census, I found a number of gross errors of computation, or of the press, which made it necessary for me to cast up all the columns to get the numbers accurately. It kept me till near midnight, and I was then obliged to leave it unfinished. I cannot start any subject of speculative enquiry, not immediately connected with the duties of my office, without encroaching upon the time indispensable for discharging them.

12th. Received a notice from the President for a Cabinet meeting at his house at eleven o'clock. All present except

Mr. Wirt. The President had concluded to send his message, concerning the execution of the law of the last session for reducing the army, only to the Senate. He had modified it accordingly, and read the alterations he had made. It was agreed that this message would be proper if the President had determined to nominate again Colonel Towson and Colonel Gadsden after they had been rejected by the Senate.

Mr. Crawford expressed doubts of the expediency of the measure, as tending to excite irritation in the Senate, and thought it probable they would reject the nominations again. I had intimated to the President similar impressions after the last Cabinet meeting, but he had made up his mind to send the message. He told me that the opposition in the Senate was headed by John Williams, a Senator from Tennessee, brother of Lewis Williams, a member of the House from North Carolina, and that he knew its motive. He did not further explain himself; but the motive which he conjectured was that of censuring and embarrassing the administration of the War Department, with a view to promote Mr. Crawford's election to the Presidency. Both the brothers Williams are devoted partisans of Mr. Crawford—the Senator from Tennessee a very active one of long standing. Crawford has heretofore been somewhat cautious in the management of his opposition, but in these affairs he has been decisive and explicit; at the same time repeating, with iteration more anxious than prudent, that he had had no communication with any members of the Senate upon the subject, and did not know on what grounds they had rejected the nominations of Towson and Gadsden. Crawford makes it a Constitutional question whether Congress can limit the selection of persons to whom the President's right of nomination shall be confined, for appointment to office; for instance, whether a law could confine the nomination of a Judge or Attorney-General to persons learned in the law; Commissioners of the navy to captains in the naval service, and the like. The President entertains the same opinion, and has expressed it in the message. Mr. Thompson, the Secretary of the Navy, maintained the contrary, to which I also inclined.

After I returned to the office, Baron Stackelberg, the Swedish Chargé d'Affaires, came to renew the application that the President would propose to Congress the adoption of a total repeal of discriminating duties upon importations in Norwegian vessels, by way of reciprocity for a like regulation by the Government of Norway in favor of American vessels. I had informed him that this could only be done by Congress, and he had construed the expressions of civility which I had used in declining his demand of this reciprocation of a privilege, as a promise that the President would recommend it to Congress. I never intended to make such a promise, but, after some conversation with him, I told him I would propose to the President to send a message, with copies of the correspondence, stating the demand of reciprocity, and recommending the subject to the consideration of Congress; but that it was not probable Congress would agree to it, because it would affect unfavorably our trade with other countries. And I repeated what I had distinctly said to him before, that as the Norwegian regulation had been voluntary, it might be revoked whenever they should think proper.

13th. Mr. R. King came to the office, charged by the Committee of Foreign Relations of the Senate to make a number of enquiries; among others, whether the views of the Executive concerning the recognition question had not changed since the recent news from Spain that the Cortes have adopted a resolution declaring that they would consider as a violation of the treaties the recognition of independence of their American provinces while their dissensions with Spain continue. Mr. King said there was some feverish excitement on the subject in the Senate, and asked whether it might not be the wish of the President now to delay the measures of recognition. I told him I would take the directions of the President concerning it and inform him, but I did not think the President would see the subject in any other light for what had passed in Spain. King hinted that Mr. Macon, of North Carolina, had been much staggered by the news from Spain. He said he was going to call upon the President himself.

14th. Mr. Eustis, the Chairman of the Committee on Military Affairs of the House of Representatives, called on me, much exasperated at the message of the President insisting upon the continuance of the fortifications on Dauphin Island, which, he said, was a direct slap in the face of the committee.

I told him I was exceedingly concerned at this misunderstanding growing up between the President and both Houses of Congress, and that he ought to use his endeavors to conciliate. He said he had offered a compromise to one of the President's friends, and to propose a small fortification upon Dauphin Island, but had been answered that the House would never give a dollar for it. He said that *women* were making themselves very busy about this affair—Mrs. Calhoun, Mrs. Lovell, Mrs. Wool, &c.; that Gouverneur, the President's son-in-law, was one of the bondsmen upon Hawkins's contract—great advances upon which had been made; that Hawkins being dead, insolvent, his bondsmen or the public must lose the money; that all the money appropriated last year for Mobile Point had been spent upon Fort Monroe, in the Chesapeake; that Gouverneur had said to Cocke that the President had appealed from Congress to the people, and asked Cocke what *he* knew about fortifications in comparison with the President and the Board of Engineers. Eustis said he felt like Uncle Toby when Trim was telling him a melancholy story—he wished he was at home and asleep. I am strongly suspicious that this Administration will not hold together another year. It is at war with itself, both in the Executive, and between the Executive and the Legislature. It is time to be prepared for any event.

16th. At the office, Mr. George Hay came to enquire if I had known of any example of a committee of Congress appointed to sit during the recess. I did not. He said he had been told there was one such during the Administration of Mr. Jefferson, but he thought Congress had no constitutional authority to appoint such a committee. Mr. Cocke, of Tennessee, has moved for the appointment of such a committee to examine the state of the Departments, and with authority to send for persons and papers. I asked Hay if he thought the resolution would be adopted. He said he believed not, but economy was like humanity, a magical word, a spell under which the most pernicious projects were brought to pass, and he did not know what might be done with it.

I was at the President's with various papers—the draft of a letter to the French Minister, which I left with him; Mr. Russell's Chinese Diplomatics, of which I read to him the projected letter from the President to the Emperor of China. It sounds the very base-string of humility, and disgusts me more and more by its servile fawning. The President liked it no better than myself. He asked me to make another draft.

The President showed me a letter from Mr. Macon, the North Carolina Senator, to him, requesting him to withdraw the nomination of his friend, the late Governor, John Branch, to the appointment of Judge in Florida, which he is sure he will not accept, and regretting that he had recommended him for the nomination as Governor, which, he says, he should not have done but that he thought it was the President's own desire. Macon, who is a humorist and a political puritan, takes it in high dudgeon that his friend Branch was not nominated as Governor. The President also read to me the draft of his answer declining to revoke the nomination, and assigning his reasons for nominating Mr. Duval, which were very sufficient. Mr. Calhoun came in while I was with the President. Mr. Eaton, the Senator from Tennessee, had been with the President, and told him that there would be objections made in the Senate to confirming the nomination of Colonel Smith as a Judge in Florida.

18th. I was at the President's, and conversed with him upon a variety of topics, especially relating to the recognition of the Spanish Americans. I urged him to determine upon some *system* of proceeding in this respect. Already a number of questions have arisen which may have important consequences, and any false step now would be severely felt hereafter. The reception of Torres as Chargé d'Affaires from Colombia; the pretension of De Forrest to be received as Consul-General and Chargé d'Affaires of Buenos Ayres; the instructions to be given to Todd; the question whether Ministers shall be immediately appointed or only reciprocated; De Forrest's pretension that Buenos Ayres should be first recognized, and other delicate questions, should be settled upon full deliberation. The President directed a Cabinet meeting upon all these subjects for to-morrow, at one o'clock. He now read my draft of a reply to the last note of the French Minister. He desired me to communicate it to the other members of the Administration.

19th. Cabinet meeting of four hours, from one to five, at the President's, where the various questions which have already arisen from the recognition of the new Southern Governments were discussed. The first was, whether Ministers of Plenipotentiary rank should be immediately sent to them all, or whether we should wait first to receive Ministers from them, and return Ministers of the same rank as they may send here. Mr. Crawford was for sending immediately four Ministers, without standing upon any point of etiquette.

I thought the best course would be to wait and reciprocate; to receive Mr. Torres as Chargé d'Affaires from the republic of Colombia; to receive the Minister from Mexico when he shall arrive, and immediately send one of the same rank in return; to ascertain from the Governments of Colombia, Buenos Ayres, and Chili upon what footing they wish the political relations with us to be placed; and to send Ministers Plenipotentiary wherever they send Ministers of that rank to us.

Mr. De Forrest's claim of precedency for Buenos Ayres was considered. It was agreed that it could not be admitted, and determined that he could not be received as Consul till he shall obtain a new commission; nor, being a citizen of the United States, at all as a diplomatic character. It was incidentally discussed whether in any case the President ought to receive a citizen of the United States as a Minister from a foreign power, and there was some diversity of opinion between Mr. Crawford and Mr. Thompson upon the doctrine of expatriation. Mr. Crawford inclined also to the immediate appointment of Wilcocks as Consul; but the other members of the Administration and the President preferred to delay the appointment till the arrival of the Minister. The question upon the authority of the President to appoint during the recess to these new offices was incidentally touched; but the offices being not created either by the Constitution or by Act of Congress, but being offices under the law of nations, they were not considered as affected by the Constitutional provision concerning appointments during the recess. Crawford mentioned that this question had once been debated in the Senate, and Bradley, after at first insisting that the case did come within the restriction of the Constitution, had afterwards come to the opposite conclusion, by considering the offices by a legal or diplomatic fiction as always filled, and that when the President made the appointment he was supposed to have previously removed an imaginary incumbent, and thereby made a vacancy.

Another question was much discussed. I have received official notice, first through Mr. Forsyth, and lately from the Spanish Minister, Anduaga, of the appointment of a Commissioner, Surveyor, Astronomer, &c., on the part of Spain to run the boundary line according to a stipulation in the late treaty. The House of Representatives struck out of the appropriation bill the sum which had been estimated for the expense of this Commission during the present year, on the ground of the proposed recognition of Mexico. The appropriation was said, however, to have been restored by the Senate. If the House should agree to the amendment, and the appropriation should pass, the question was whether the Commission should be appointed and the line run.

Mr. Calhoun thought it could not be done; that it would be inconsistent with the recognition of Mexico; that it would give offence and rouse the indignation of the new empire; and that if the line is to be run at all, it must be with Mexican instead of Spanish Commissioners. The President and all the other members of the Cabinet, however, thought otherwise; that, as it was the mere mechanical execution of a compact already consummate, we are still bound to the execution of the treaty, notwithstanding the subsequent recognition of Mexico, which is a recognition of independence, but not of boundary; that we should proceed to the fulfilment of the stipulation unless objection should be made on the part of Mexico—in which case the Commissioners must of course cease. By the article, the Commissioners were to meet within one year from the exchange of the ratifications at Natchez, which, by the delay of Spain to appoint her Commissioner, became impossible.

Mr. Calhoun thought this released us from the obligation of this engagement, especially considering the subsequent engagements in Mexico.

I thought it would have the appearance of subterfuge to allege this ground for non-performance. The conclusion was to wait and see how the House will dispose of the Senate's amendment in the appropriation bill.

My draft of a reply to the French Minister's note was not considered. I gave the President a letter from L. Sawyer, a member of the House from North Carolina, enclosed in a note to me, and requesting him not to send the commission of Judge in Florida to John Branch, as he was not qualified for the office, not having been bred to the law, or at least having never practised. Sawyer said that the whole North Carolina delegation in the House were to have a meeting this day to *remonstrate* against the appointment of Branch as a Judge. But their real reason is not his disqualification as a Judge: it is to show their resentment that he was not appointed Governor. Branch was the Crawford man; and his appointment has been for some time expected as the test of Crawford's ascendency over the President's nominations. Its failure has produced a concentration of rage. The President said they had all written letters to him about it. He had answered Macon's. He considered himself personally insulted by them, and, if he was not in the situation in which he is, he would call them to account for it.

20th. I made drafts of letters to Mr. Herrera, the Secretary of State and Foreign Affairs in Mexico, to Mr. Gual, the same officer in Colombia, and to Mr. Torres at Philadelphia. I took them to the President, but found him again hesitating as to the course he was to pursue. Mr. Woodson, member of the House from Kentucky, Clay's successor, had been with him and showed him a letter from Clay at Philadelphia. He had there seen Torres, who was, he says, exceedingly earnest that a Minister should immediately go to Colombia, and fears that otherwise all the good effect of the recognition will be lost. This letter Clay had requested Woodson to show to the President, which he did. The President told me his conversation with Woodson upon the subject, and how he had explained to him the principles of the course he had determined to take. But he was staggered by this *a parte* negotiation between Clay and Torres, and I told him that I doubted more and more of the expediency of sending back Todd with an informal character to Colombia now. He finally determined to think further upon the subject till Monday morning, when I am to see him again.

21st. Besides the usual occupation of reading the letters and dispatches and newspapers that come by the mail, I was involuntarily engaged in translating into verse a passage of seventeen lines in Horace's Art of Poetry, which diverted me from other objects of more importance.

22d. I found the President still undetermined whether to send a Minister immediately to the republic of Colombia or to send back Mr. Todd, or merely to receive Torres as Chargé d'Affaires and wait for further movements from thence. He concluded by merely directing me to write to Torres, informing him that whenever it shall suit him to come here I will present him, as Chargé d'Affaires of the republic of Colombia, to the President. He said that from the letter which Mr. Clay had written to Woodson, to be shown to him, he had conjectured that Clay himself was disposed to accept one of these new missions. But Mr. Clay had pursued such a course of uniform hostility to this Administration that he had no pretension to notice from it, unless it should be to show that opposition was the way to favor.

I told the President of the conversation which I had with Mr. Clay before he left this last spring after the termination of his service in Congress, when I had asked if it would suit his convenience, in case a vacancy in any of the missions abroad should occur, to accept it; and he told me it would not, the state of his private affairs requiring all his attention, and the liberality of the Bank of the United States, in making him their agent-general for the States of Kentucky and Ohio, giving him the means of relieving himself from his embarrassments in the course of four years. I said now that my intention was, if Mr. Clay had answered that a mission abroad would be acceptable, to have named him for consideration to the President whenever a vacancy should occur. I added my belief, nevertheless, that Mr. Clay now wished for the offer of one of these missions, and that he would accept that of Mexico, and perhaps that of Colombia, but not either of the others. But I distrusted so much Mr. Clay's views in relation to South American affairs, and was so apprehensive of their tendency to entangle us, that I doubted much the propriety of appointing him. I should have no objection to his going to Buenos Ayres or Chili, where he could do no harm. I esteemed the talents of Mr. Clay, and knew him to have some good qualities. But his ambition was too ardent to be very scrupulous or delicate, and he was too much addicted to intrigue.

The President concurred in these opinions, and said he had not determined upon any of the nominations to be made, but he had thought of selecting one from each of the four great sections of the Union. I said I had no favorites to recommend; but I told him what had passed between Mr. Sanford and me, and my opinion of Sanford's merits and pretensions, and I mentioned Mr. Russell, and also the applications of Colonel Wool and W. G. D. Worthington. The President spoke of General S. Smith and General Scott as having been recommended to him.

I asked him if General Jackson had occurred to him. He said he had; but he was afraid of his getting us into a quarrel. He told me also that he had thoughts of disapproving the bill now before Congress for the further reduction of the army, and read me a draft of reasons which he intended to assign for it. He said he considered it as a most pernicious policy, and might as well say so, as those in both Houses in real opposition to the Administration were already as inveterate as they could be, and their influence would be no greater nor more mischievous upon one point more than upon those on which a collision had already arisen.

Mr. Russell left at the office with Mr. Brent a duplicate of his letter of 11th February, 1815, to Mr. Monroe, then Secretary, which has been called for by a resolution of the House of Representatives at the motion of Mr. Floyd.[1] It is a letter of seven folio sheets of paper, and amounts to little less than a denunciation of the majority of the Ghent mission for proposing the article recognizing the fishery right and the British right to navigate the Mississippi, in the proposal of which he himself concurred. Russell wrote this letter at Paris, where we all were, without ever communicating it to me, or letting me know that he had any intention of writing such a letter. It is a most elaborate, disingenuous, and sophistical argument against principles in which he concurred, and the joint letter of 25th December, 1814, to which he signed his name. His motives for writing it then to a Virginian Secretary of State, under a Virginian President, were at once to recommend himself to their sectional prejudices about the Mississippi, and to give me a secret stab in their esteem and favor, for future effect. His motive now for abetting Floyd in his call of the paper, as a public document, is to decry my chances of popular favor in the Western country. It is, I doubt not, part of a system of measures concerted with others, the development of which is proceeding from day to day.

Calhoun called at the office with a letter recommending some person to an office. He spoke with great bitterness of Crawford, of whose manœuvring and intrigues to secure the election to the next Presidency, and to blast the Administration of Mr. Monroe, of which he is a member, he (Calhoun) has a full and thorough knowledge. He said there had never been a man in our history, who had risen so high, of so corrupt a character or upon so slender a basis of service; and that he (Calhoun) had witnessed the whole series of Crawford's operations from the winter of 1816 to this time.

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[1] It is not without regret that, after careful reflection, I have come to the conclusion that this episode, connected with the name of Mr. Jonathan Russell, cannot in justice to Mr. Adams be suppressed. It was the most unprovoked and envenomed attack upon his character as a statesman, of the many which he was called to meet, and, but for the fortuitous preservation of his papers by Mr. Monroe, might have served to fix a material blot forever upon his career. As it turned out, the effect was largely to advance him in the public esteem, whilst his accuser suffered a correspondingly severe penalty for his offence. Far be it from me to perpetuate enmities! Mr. Russell left behind him a son, who, during a life cut short too early, most justly earned the highest respect of the community, and with whom it was my good fortune ever to maintain the most friendly relations. His later descendants are among the most esteemed class in the community. C. F. A.

23d. The President had fixed upon this day at one o'clock to receive Mr. Poletica, the Russian Minister, to take leave upon his departure with a leave of absence. I met him at that hour, and presented him to the President. His speech was very short, and, as usual, complimentary, with abundant professions of good will, both of the Emperor Alexander and of himself, towards this country. He said he was instructed to say the Emperor did not intend to suspend for a moment the diplomatic relations between Russia and the United States; that he had very much at heart his friendly relations with them, and saw nothing, either in present events or in future prospects, which should in any manner impair them. The President's answer was of the same character—friendly and complimentary in general terms to the Emperor.

After Poletica went away, I gave the President Russell's letter, with a request that he would read it with attention, and recollect whether he had ever received such a letter; and, if he had, to make search among his papers to see if he could not find it; which he promised me he would. This affair, of great personal interest to me, comes on me just at the close of a session of Congress, with half a dozen calls of Congress and two or three negotiations depending.

24th. Received a note this morning from the President, informing me that he had found among his papers Mr. Russell's letter of 11th February, 1815, which was marked "private." The duplicate is not so. I called in the course of the day at the President's, and asked him to let me see the letter; he said he had given it to Mr. Hay to read, but would send it to me. I have strong suspicions that the duplicate is not a true copy of the original. There is particularly one paragraph which, on the 11th of February, 1815, would have been prophetic.

Mr. Poletica, the Russian Minister, came to the office and took leave, and introduced Mr. Ellisen as Chargé d'Affaires during his absence. Poletica renewed his thanks for the attentions and kindness with which he said he had been invariably treated here. I furnished him, as he had desired, with a passport signed by the President himself. It is altogether unusual, all passports being from the Secretary of State; but Poletica asked it as a favor, and the President consented to grant it.

Mr. R. King, the Senator from New York, came to ask whether there would be any objection to publishing the Spanish Minister's protest against the recognitions, and the other papers relative to the subject, which had been confidentially sent to the committee of the Senate. I said, none at all.

I began this evening a draft of a report to the President upon the duplicate of Jonathan Russell's letter.

25th. The President sent me Russell's letter of 11th February, 1815, and I found immediately that the prophetic passage in the duplicate was not in the original. Mr. George Hay called at the office and told me that he had read Russell's letter, and that it was altogether one of the basest things on the part of Russell that he had ever heard of. He said it had sunk Russell in his opinion more than he could express. But the worst part of the transaction, the alterations of the letter now made in the letter by Russell himself, Hay knew nothing of.

There was a call came from the Senate for copies of the Spanish Minister's protest against the recognition and the dictamen of the Cortes—which papers were prepared and reported to the President.

I took home with me the original and duplicate of Russell's letter, and compared them together. There are several remarkable differences between them—the most diabolical of which is a direct charge in the duplicate of a positive and wanton violation of most explicit instructions, which he particularly cites. There is no such charge in the original letter, but an assertion to the contrary. I had begun the draft of a report upon the duplicate before the original had been found. I must now report upon both.

26th. I dropped my reading before breakfast, to draw up my report upon these extraordinary letters of Jonathan Russell. I had at the same time a multiplicity of other affairs pressing upon me, till my brain almost turned. I called at the President's, and told him of the differences between Russell's original letter and its pretended duplicate. I added that I should report a copy of the letter, and of the circumstances of its being deposited at the office of the Department of State by Mr. Russell, and I should submit to him some remarks upon it, which I should request him to communicate to the House of Representatives with the letter in answer to their call. The President appeared very reluctant to sending the letter at all. I told him if it was withheld it would be supposed I was afraid of its appearance, which I was not. As I pressed him to communicate the letter, he said it would utterly ruin both him and me. I replied that of the manner in which it might affect him he must himself be the judge, and I wished him to pursue his own course. But as it concerned me, I was convinced the course most desirable for me would be the communication of the letter. He said he would take it into consideration.

27th. Morning and evening absorbed upon Russell's letters. The President had yesterday read me a sketch of the message which he had prepared to send to the House, stating that on referring their resolution to the Department of State, it appeared that there was no such letter there as the one called for; that he had then searched among his papers, and found a letter marked "private" from Mr. Russell, and dated Paris, 11th February, 1815, containing views relating to certain transactions at Ghent, upon interests which have since been satisfactorily arranged, but which would naturally call for a reply from the surviving members of the mission; that under these circumstances he should decline sending the letter, unless the House on a review of them should think proper to renew the call.

I objected to this that it withheld the very material fact that Russell had left at the Department since the call of the House a paper purporting to be a duplicate of his letter, but very materially differing from it. This morning I received from the President a note saying that he had made a change in the sketch of his message, which he wished to send to the House this day, and asking me to call at his house. I went accordingly, and took with me a draft of a report to him upon the reference of the call of the House to the Department of State.

In this draft I had stated the fact of Russell's leaving his duplicate at the office to be communicated to the House; and had requested the President to communicate my remarks upon Russell's letter, together with it, to the House in answer to their call. The President appeared to be apprehensive of becoming himself implicated in the controversy. He said he thought Mr. Russell's conduct had been extremely reprehensible; and he saw the motives which had occasioned the bringing of this affair before Congress—it was to influence the election to the Presidency when he himself should retire; that he thought it his duty to take no part whatsoever in that question; and now if he should send this letter and my remarks, an extremely acrimonious controversy would ensue, of which all the parties concerned would claim the right of making him the vehicle.

I told the President that I approved entirely of his determination, and thought that the course which he proposed was the only proper one in his situation. I should therefore acquiesce in any determination that he should take with reference to his personal concern in this affair; nor did I ask or desire from him the most distant manifestation of favor to me in this controversy. But so far as concerned my own interest, I had neither doubt nor hesitation. My wish was that both Russell's letters should be transmitted to the House, and my remarks upon them also. It was a deadly thrust at my character and reputation, aimed at me on the floor of Congress, and there I would wish to meet and grapple with those who had plotted it against me. In the face of the country the attack upon me had been made. In the face of the country I wished to make my defence. I told him that in all the intriguing and caballing in Congress, and in the newspapers, against individuals supposed candidates for the Presidency, I had never made nor countenanced a charge against any human being.

The President said he was entirely convinced of this.

I added that I had no wish to prostrate or expose Russell's character; my only object would be to defend myself.

The President said he would consider further of the subject, upon which he could not consult the Cabinet; but he had consulted Mr. Wirt, the Attorney-General. He had at first thought of answering the call of the House by simply saying that there was no such letter as the resolution called for at the Department of State. On further reflection, he had preferred the special statement of facts, and had shown it to Mr. Wirt, who also preferred it, and thought it would do justice to me. He read me a note from Wirt to that effect. He also read me an additional paragraph which he had prepared and thought of introducing, saying that his predecessor, Mr. Madison, and himself, had approved the general course of the Commissioners at Ghent; which, he said, would be in effect supporting the conduct of the majority.

I told him I duly appreciated this approbation, but I did not wish for a testimonial of it now. I wished my conduct as one of the majority to stand upon its own grounds, and I could refute Russell's objections to it as completely as I could expose his conduct in making them.

When I left the President, he appeared disposed to send in the duplicate, and perhaps the original; but within two hours after, I received at the office a note from him expressing a doubt whether he should not decline sending in Russell's letter under any circumstances.

Mr. Canning came to inform me that he was instructed by his Government to say that although they approved of their Commissioner Barclay's scruples about the three islands at the mouth of Detroit River, yet they would be satisfied with his agreeing to a report by which the three islands will fall within the jurisdiction of the United States. Canning said he was much gratified at receiving this instruction, which he should immediately communicate to Mr. Barclay.

I made a draft of a letter to the Chevalier Amado Grehon, the Portuguese Chargé d'Affaires, which I sent to the President. He sent it back with a note suggesting an addition to it.

28th. I am still deeply occupied in writing remarks. Mr. George Hay called at my house and told me that the President was in great concern about these letters of Russell, and much distressed as to the proper mode of proceeding in regard to them; that, owing to particular circumstances, the President had consulted him on this occasion, which he very seldom did on public affairs, and had requested him to call and have some conversation with me concerning it—particularly as he understood there was a difference of opinion between the President and me as to the proper course to be taken.

I said the difference of opinion was only as to the course most expedient with reference to *my* concern in the affair. I was perfectly aware that the only line for the President was that of impartial neutrality. In this I had entirely acquiesced, and it was all I had asked of him. He must exclusively judge of what that required of him, and if he concluded to decline sending in the papers on that account, I should cheerfully submit to his determination. But I had been convinced from the beginning, and reflection had only confirmed me in the opinion, that the course most suitable for me would be that both Mr. Russell's letters and my remarks upon them should be communicated to the House in answer to their call. It was a base attack upon my character, of which Russell had made himself the instrument. He had actually dragged me before the House of Representatives of the Nation, there to charge me with treachery to a great public trust. The object of the charge was to dishonor me in the face of my country. The only course that became me was to meet the charge where it was made. That I could expose the conduct of Russell in a manner disgraceful to him was no motive for me to wish to come before the public; but he has brought himself and me there. If the papers are withheld, a vague and indefinite charge will be hanging over me, of which as much use will be made to ruin my reputation as if it was distinctly proved, and the universal impression will be that I was afraid to meet it, and that the object of the suppression is to screen me. I knew it was equally in my power to put Russell to shame for his conduct and to demolish the whole argument of his letter. I could not undertake to conquer prejudice and jealousy, which never reason; but I could satisfy every reasonable person that Russell's imputations of our having offered to sacrifice the interest of the Western country were totally groundless.

Mr. Hay said he believed if the case were his own he should think so too, but he was not sure it would be the most expedient course. He spoke with the most utter detestation of Russell's conduct, and said there was no expression too bad to mark its infamy. He also told me that in the course of Mr. Madison's Administration there had been several occasions of very great disagreement, and even misunderstanding, between him and Mr. Monroe, and particularly concerning the transaction in the late war which terminated in the capture of this city by the British. And he related a scene between himself and General Armstrong in June, 1814, in which he told Armstrong that the British would infallibly take this place if measures should not be taken more effective for its defence.

29th. Mr. Jonathan Russell came for the letter of the President to the Emperor of China, and mine to the Viceroy of Canton. He said he liked my substitute for the draft of the President's letter much better than the draft itself. Dropping this subject, I told Mr. Russell that I thought the letter he had left at the Department to be communicated to the House of Representatives in answer to Dr. Floyd's resolution was a very extraordinary paper, and his conduct in the whole transaction relating to it as equally extraordinary. He knew I had been at Paris, and that he was in habits of daily and professedly friendly intercourse with me when the original letter was written. That he should have written it without notice to his colleagues, whose conduct it so severely arraigned, was strange. That he should now have furnished a paper as the duplicate of that letter, but materially differing from it, was still more so. He said that I would remember when on the 25th of December, 1814, I had made the draft of the joint letter of the mission to the Secretary of State, mentioning that *we* had offered to the British Plenipotentiaries the article confirmative of the fisheries to us and of the Mississippi navigation to the British, Mr. Clay had desired that an alteration should be made, saying that a *majority* of us determined to make this offer. This was Mr. Clay's desire, and not his; but when the joint letter was so written, as he had voted in the minority on the question, he thought it necessary to justify his conduct to the Government, and therefore had written the letter from Paris; that when he came to this country in 1816 there had been a paragraph in the Boston Sentinel charging him with having been willing to sacrifice the fisheries at Ghent; that Mr. Floyd had moved his resolution calling for the Ghent papers without consulting him; but as upon the first call of Mr. Floyd, his (Russell's) separate letter of 25th of December, 1814, had been reported, it became necessary for his justification that the letter containing his reasons, as promised in that letter, should also appear. He had written to his daughter at Mendon for his own original draft of the letter. She had found and sent it to him, all but the two last sheets. There was, therefore, some variation between the original and the duplicate of his letter, and he had inserted some passages to defend himself with those who feel a particular interest in the fisheries. But there was no alteration of *facts*.

I told him he was mistaken. There was an alteration of fact, in the form of the most aggravated of all his charges against the majority of the mission, that of a wilful, direct, and positive violation of instructions. This was not in the original letter; but, on the contrary, there was an express acquittal of the violation of instructions. But the charge was in the duplicate in language as strong as he could make it.

He said the acquittal in the original, and the charge in the duplicate, referred to different instructions.

I replied that the original had no reference to the instructions cited in the duplicate. It expressed a concurrence with the majority in the belief that the proposal referred to in no way violated our instructions. The terms were general, and reserved no exception. The duplicate limited the acquittal of violated instructions to the single instruction of 25th of June, 1814, but brought in an express charge, in the most aggravated terms, of the violation of other instructions, namely, those of 15th April, 1813, from which it cited the paragraph which it alleged to have been violated. And this duplicate now delivered by himself as having been the letter written by him at Paris in February, 1815, declares that he had thought at Ghent, and still thought, that this wilful and positive violation of instructions had been committed; while the real original letter expressed no such opinion and made no such charge. But I could show him that it was impossible he should have thought at Ghent that we had violated the passage cited in his *duplicate* of the instruction of 15th April, 1813, because, before the proposal was made, we had received the subsequent instruction of 19th October, 1814, which released us entirely from the restriction of that passage, and authorized us expressly to conclude a treaty upon the basis of the "status ante bellum." I then showed him on the book of records of the Department the letter from Mr. Monroe to the mission of 19th October, 1814, which was received on the 24th of November of that year, and also another letter of 6th October, 1814, containing the same authority, but which I told him had not been received by the mission. I further told him that President Madison by a message to Congress of 9th October, 1814, had communicated to Congress so much of our instructions as would show the terms upon which we were authorized to make peace. The instructions of 15th April, 1813, were included in that communication, but the passage cited in the duplicate in proof of violated instructions was omitted as having been subsequently cancelled.

During the whole of this exposition Russell's countenance gave the usual indications of detected imposture, alternately flushing and turning pale. He said he had no recollection of the receipt of this letter of 19th October, 1814; and asked if I thought the " status ante bellum" included necessarily the right of the British to navigate the Mississippi.

I said that was a matter upon which he was at liberty to make his argument; but when with the authority to conclude on the basis of the " status ante bellum" was connected the omission from the instructions communicated to Congress of the paragraph cited by him as having been violated; when copies of these instructions thus communicated were transmitted to us, as showing the terms on which we were authorized to conclude, it was impossible for me to doubt that the passage now cited by him had been cancelled. At all events, it had been so considered at Ghent, for this instruction of 19th October had not only been received, but was actually produced in the course of the discussions of the mission.

He said, if I recollected that, there could be no question but it was so. But, he said, he could assure me he had not acted in this case in concert with my enemies, and had never written or published a word against me in the newspapers. He had acted from no motive of hostility to me.

I then said to him, " Mr. Russell, I wish not to enquire into your motives. Henceforth, as a public man, if, upon any occasion whatever, I can serve either you or your constituents, it will afford me as much pleasure as if nothing had ever occurred between us; but of private and individual intercourse, the less there is between us from this time forward the more agreeable it will be to me."

He only replied, "I wish you well," and left me.

Among the other observations he had made was, that he was entirely indifferent whether his letter should be communicated or not, and he had told Mr. Brent so on delivering the letter to him, and he asked me if Mr. Brent had told me this. I said he had not, but that I had requested the President to communicate both the letters to the House, with such remarks as I had to make upon them; among which I should certainly notice the variations between the original and duplicate of his letter.

About two hours after he left the office, I went over to the President's upon other business, and found Russell with him. He had no doubt been there the whole of the interval. Mr. Thompson, the Secretary of the Navy, was also there, and when I went in Russell immediately withdrew. The President said he believed Russell was not so anxious for his letter to be sent to the House as he had been. I said I presumed not; but it was too late for him now to retreat. I then told the President and Mr. Thompson what had passed this morning between Russell and me, and that I had expressly renounced all future private and personal intercourse with him. Mr. Thompson soon afterwards retired, and upon conversing with the President he told me nothing of what Russell had been saying to him, but I found in him an increased reluctance to sending in the letter to the House. Not having yet finished my remarks, I did not press the subject upon the President.

30th. I called at the President's, who, to my great surprise, read me a draft of a message to the House of Representatives, stating that on reference of their resolution to the Department of State, no such letter from Mr. Russell as that described in it had been found upon the files; then suppressing entirely the fact that Russell had delivered his duplicate there himself to be communicated to the House, and declining positively to send a copy of the original letter, as a private letter which could only occasion controversy to no useful purpose. I told the President that this message was totally different from anything I had heard him intimate his intention of sending before; that the resolution from the House had been officially referred by him to the Department of State, and I had officially reported to him upon that reference; that there was a letter there from Mr. Russell, delivered by himself, to be communicated as the letter called for by the resolution; that the letter itself was now of record in the Department; that my report to him upon it, and the remarks that I was preparing to submit to him upon its contents, would also be of record in the Department. A message to the House, therefore, declaring that there was no such letter at the Department, would be liable to strong public animadversion, when it was impossible that the fact should not become notorious that there was such a letter, and when it could not but appear that the fact was known to him from my report.

"*Your* report!" said the President, in a tone of sharp anger. "'Tis *my* report. It is no report at all until I have accepted it."

My feelings were wound up to a pitch at which it was with extreme difficulty that I preserved the control of my temper and the command of my expressions. I did so, however, and said, "Sir, it is *your* report, to do what you please with it, when received; but so far as I understand the Constitution of this country it is my report to make, and I am the responsible person in making it."

He said that he had always, when Secretary of State, considered the reports he had made to Mr. Madison as subject entirely to the control of the President, and had always felt himself bound to make any alteration in a report required by him.

I replied that I had invariably observed the same rule with him. I had never in a single instance written a public paper to be submitted to him without making every alteration in it suggested by him and insisted on. I was now willing to make any alteration that he would desire in this report, and had told him so when I presented the report to him. But the report when made I considered as mine.

He said that the object of this whole transaction, and of Floyd's resolutions, was to have an influence upon future events; that as to the elections, he felt it his duty to take no part in them whatever; that the production of these letters would be followed by an extremely acrimonious controversy in Congress and in the newspapers, and all the parties would claim the right of making him the vehicle of their publications.

I said that from the beginning I had assured him I would acquiesce in any course he might think proper to avoid committing him in the most distant manner in the controversy. I asked no favor—nothing but a hearing. But the suppression of the facts that Russell has delivered at the Department a paper to be communicated to the House as the duplicate of the letter called for, and that this letter differed from the letter really written by him in a heavy aggravation of charge against the majority of the Ghent mission, would seem to me to be taking a part very decidedly against the accused majority and in favor of Russell.

The President finally said he would consider of it further. I have received a new note from the French Minister, with proposals for the commercial negotiation, and the President directed a Cabinet meeting to consider of them to-morrow.

May 1st. Mr. Fuller, a member of the House of Representatives from Massachusetts, called on me, having heard something of these transactions relating to Russell's letters. I told him all that had passed concerning them, and that I found myself in the most painful situation of my whole life; compelled to renounce all private and friendly intercourse with a man whom I had esteemed, and with whom I had been associated in a trust of the highest public importance, the result of which had been satisfactory to the nation; and to expose him to shame in the face of the country. This had never happened to me with any other man. But Russell had brought it upon himself. He had not only obtruded himself and me upon the floor of Congress to charge me with treachery to a great public trust, but he had wantonly made me the official vehicle to convey that charge against myself. And such was the nature of the charge, that if the letter gave a true representation of the facts which it alleged, it would, in my opinion, be the duty of the House of Representatives even now to impeach the surviving members of the majority of the Ghent mission. It was therefore absolutely indispensable for me to defend myself—which I could not do without exposing him. I told Mr. Fuller that he was the only member of Congress to whom I had spoken upon the subject. I was aware of Mr. Russell's present situation as a member of the House, and wished in no wise any other member to take side with me against him. But the President hesitated whether to send Russell's letters to the House, in answer to their call, or to withhold them. I had requested him to send them with my remarks upon them. Perhaps he might send them without my remarks. In that case, I should address a letter to the Speaker of the House, requesting their permission to lay my remarks before them. My wish was that if the President should in any manner refer the production of the letters to the discretion of the House, some member would move another call for the papers. If Mr. Floyd, the original mover for the Ghent papers, and then for Russell's letter, should move for them again, or Mr. Russell or any of his friends, I wished that every friend of mine would support the motion. If, as I thought it not unlikely, the original movers, and Russell himself, should now hang back, I wished some other member would move the call. I did not ask it of him unless it would be entirely agreeable to him, nor unless it should appear that no other member made the motion of his own accord. I was only desirous that if the papers should be withheld, it should be known that it was not at my desire nor from any purpose of screening me from disclosure. Fuller said he would pay due attention to the subject.

Edward Wyer came to tell me of a controversy between Dr. Floyd and General Scott, who is now here. Floyd in his place, two or three days since, observing that he would say nothing there but what he would equally say out of the house, made a pretty direct charge upon Scott of *forgery*, though not so explicitly but that the imputation might rest between Scott and the War Department. Archer and Stevenson, of Virginia, undertook to give an explanatory vindication of Scott upon enquiry into the facts. Scott sent Colonel Wool with two notes to Floyd, one asking an explanation, and the other, contingent upon the refusal of that, containing a challenge. Wool, upon conversing with Floyd, delivered neither of the notes, Floyd having said that he would give his explanation through Archer. Wyer said that Scott was not satisfied with this, nor with Wool for omitting to deliver his notes; but that he would yet have satisfaction.

There was a Cabinet meeting at the President's; all present excepting Mr. Wirt, the Attorney-General, who is at Baltimore. The subject under consideration was the last note from the Baron Hyde de Neuville, the French Minister, and its proposals relative to a Convention concerning discriminating duties. I had proposed to him a discriminating duty of two per cent. on the value of merchandise imported, to be levied in France upon importations in American and here upon those in French vessels. He accepts this, with a conditional proviso, that it shall not upon any one vessel amount to less than twenty-one or more than twenty-six francs. He also proposes as an alternative a duty of twenty francs upon the laden ton, with the further proviso that it shall be levied only upon the excess of importations beyond the exportations in the same vessel. This has an appearance as if it looked to an ultimate abandonment of all discriminating duties, and the Baron in his note holds it out as if it was offered in the spirit of abounding liberality. Mr. Crawford and Mr. Calhoun both seemed much pleased with it, but I thought it would require an exception for articles imported for re-exportation. With this Mr. Crawford explicitly concurred. It was agreed that the proposal of a discriminating duty of four dollars a laden ton should be accepted. There was little discussion and little difference of opinion expressed, except as here mentioned; and that I had some reluctance to admit so heavy a discriminating duty as four dollars.

After the other members of the Administration had withdrawn, the President told me that he had made up his mind to send both Mr. Russell's letters to the House in answer to their call; that it would be of no use to withhold them, as they would undoubtedly come before the public, and he might as well give them at once.

I concurred entirely in that opinion, and told the President that upon reflecting further on the subject, and with a view to relieve him even from every semblance of co-operation with me, I would withdraw the request that he would send my remarks to the House with the letters. If he would send them in, I would address a letter to the Speaker of the House requesting their permission to submit my remarks upon the letters to them. To this I understood the President that he was now fully agreed. I was occupied morning and evening in making the draft of the remarks.

2d. I received this morning a note from the President requesting me to call at his house, which I did, with a draft of a report to him upon Russell's duplicate, omitting the request that he would communicate my remarks upon it to the House. And I read to him the draft of a letter which I had prepared to the Speaker of the House, requesting their permission to submit my remarks upon the letters of Mr. Russell to them. He advised me not to send my letter with his message, but within an hour afterwards, which I told him was precisely my intention. But I found him now wavering again upon the question whether he should send in Russell's letters, and inclining to that draft of a message which was his second thought, and which Mr. Wirt had approved; that is, stating the facts, and my request to be heard in answer to Russell's letter, and referring to the House whether they would, under these views of the subject, again call for the letter, promising in that case to send it. I was willing he should take this course, being well assured that the call of the House would be renewed.

I returned to the office, and soon after received a note from the President asking me to prepare a report to him on Mr. Russell's letters, adapted to a message stating the facts and withholding both the letters. I called at his house again, and, without discussing the subject with him any further, observed that the report which I had prepared would suit either of the forms of his message; but if he should decline sending the letters, or if he should mention my request that he would transmit my remarks with them to the House, though I had withdrawn that request and omitted it from the report last made to him, it would no longer be necessary for me to write to the Speaker requesting the permission of the House to submit my remarks upon Mr. Russell's letter to them.

In no transaction have I ever seen so much indecision and so many fluctuations of intentions in the President as in this. He has time after time told me that he considered Russell's conduct throughout the whole transaction as extremely reprehensible; that he had no doubt he was acting in concert with Mr. Clay and Mr. Floyd, and that their object was to work upon the prejudices of a certain portion of the Union with a view to influence future elections; that as to the proposed article to confirm the right of the British to navigate the Mississippi, neither he nor Mr. Madison had ever considered it as a violation of our instructions, nor as in the slightest degree affecting injuriously the interests of the Western country. But from the moment of the detection of Russell's falsification of his own letter, the President's aim has been to screen him from exposure, or at least to have no participation in effecting it. Mine has been to bring the whole subject before Congress and before the nation—not from choice, or for a vindictive purpose against Russell, but as indispensably necessary to my self-defence against his conspiracy with Floyd and Clay.

As I was going the second time to the President's, I met at the bottom of the stairs of my office Mr. R. King, Senator from New York. There were sent into Congress yesterday two messages from the President, one relating to the Norwegian discriminating duties, and the other to the duties on rolled and hammered iron—the first at the desire of Baron Stackelberg, and the second at that of Mr. Canning. Mr. King came to ask me to go to the Capitol to-morrow morning to meet the Committee of Foreign Relations of the Senate to converse with them upon the Norwegian proposal of a total abolition of all discriminating duties; which, he said, there would be great difficulty in agreeing to.

I told him we had not expected that Congress would agree to it, and I had told Baron Stackelberg there was no prospect that Congress would accede to it. But, as it could be done only by Congress, he had urged, so earnestly urged, that it should be submitted to their consideration by the President, that he had consented to send in the message.

Mr. King said, that being understood, it would not be necessary for me to meet the committee to-morrow. He asked if there would be any nominations to these South American missions before the close of this session of Congress. I believed not. He said there had been some question in the Senate as to the right of the President to make any original appointment during the recess of Congress. I told him I was aware of that; but the President had no doubt with regard to such appointments, as of offices not created by Congress, but existing by the laws of nations.

King said that the confirmation of any such appointment by the Senate would depend much upon the individual named. If the person should be popular, he would be confirmed; if a cripple or a favorite should be sent, he would, upon nomination, be rejected. This question was very much discussed at the Cabinet meeting yesterday, and had been so once before. It is one of those questions which Crawford and his partisans are conjuring up to make strife between the President and the Legislature. Crawford's own conduct concerning it in the Cabinet is ambidextrous. On the question as it concerns domestic appointments he has taken decided part against the President's authority. With regard to appointments abroad, he talks as if he considered the President as having the power, but avoids committing himself upon that opinion. He really wants the President to make the appointments during the recess, so that it may make another quarrel between him and the Senate, in which he (Crawford) may side again with the Senate. These are the tactics of Crawford's ambition. As Calhoun stands now most in his way, the great burden of his exertions this session and the last has been against the War Department; while Calhoun, by his haste to get at the Presidency, has made a cabal in his favor in Congress to counteract Crawford's cabal, and the session has been little more than a violent struggle between them; both, however, countenancing the insidious attacks upon the Secretary of State. The Government is thus becoming daily, with more and more decision, a mere prize for two unprincipled factions, of which Crawford's has at the present moment the fairest prospect of success. The President has hitherto supported Calhoun to the extent of committing his own judgment upon two most questionable public measures—the Dauphin Island fortifications, and the army appointments of last summer. The Cabinet discussions between Crawford and Calhoun have become painful by the tone in which they express their opinions—being that of suppressed hatred and subdued anger.

3d. Mr. Gouverneur, the President's son-in-law and private Secretary, called this morning at my house with the message concerning Russell's letters, which he was taking to the House of Representatives. It was that which was the President's second thought—stating the fact of Russell's having left the duplicate at the Department of State for communication to the House; of his (the President's) having found among his papers the original, which was marked "private" by Russell himself, and of my request that he would communicate my remarks upon Russell's letter with it to the House; and then declining to send the letter unless the House on a view of all these circumstances should repeat the call, in which case it will be communicated with my report upon the duplicate.

He had also a nomination of General Henry Dearborn, Senior, as Minister to Portugal, which he took to the Senate. The President has within the last three days several times consulted me about this nomination, to which I have told him it was impossible for me to object. It is certainly not a nomination that I should have suggested, believing, as I do, that a younger man, and one whose life has been more conversant with commercial affairs, would have been better suited to this mission. The President's motives for this appointment are, however, laudable. The first was to do honor to an officer of the Revolution; the second, to serve a personal friend, and also to gratify, as he told me, the wish of Mrs. Dearborn. A third was to compensate for having yielded to the pressure of W. King and the Maine Senators, against all the remonstrances of the Dearborn interest, in the appointment of Ashur Ware as District Judge in Maine. This was, I believe, the deciding principle; for he told me with a good deal of feeling that he meant those gentlemen should be made sensible that he was not entirely in their hands. And what a whimsical play of political machinery it is! Because a District Judge in Maine is indecently crowded upon the President by the Maine Senators, he takes his revenge by mortifying them in the appointment of a Minister to Portugal.

J. W. Taylor, member of the House of Representatives, came with a power of attorney to receive the balance of an old award by the Commissioners under Jay's Treaty. I asked Taylor if the President's message concerning Russell's letter had been received by the House. It was received, but not read. This evening I finished my remarks upon the letters. They have been drawn up in great haste, and I have no time for revisal or correction.

4th. Mr. S. Moore, a member of the House of Representatives from Pennsylvania, called this morning at my house to recommend the appointment of a Mr. Latimer as Consul at the island of St. Thomas. I told him that we had a Vice-Consul there in office now, though personally he was at present in this country; but he was on the point of returning thither. Moore confirmed to me the fact that the President's message relating to Russell's letter had been yesterday received, but not read, in the House. I told him it was my desire that both the letters should be communicated to the House, as well as my remarks upon them.

I called at the President's, and Mr. Calhoun came in while I was there. He read to us a message which he had prepared to send to the House of Representatives with his negative upon a bill appropriating nine thousand dollars for repairs upon the Cumberland Road, and authorizing the erection of toll-gates upon it, and a toll for keeping it in repair. He said he had been suddenly called to take this measure, and had not time to consult the members of the Administration upon it. He promised with this message, and afterwards sent in the course of the day, his long dissertation against the Constitutional power of Congress to make internal improvements. Mr. Floyd's recantation of the charge of forgery against General Scott was this day published in the newspapers.

5th. E. Wyer walked home with me, and told me the sequel of the affair between Scott and Floyd. The latter has totally unsaid his charge of forgery against Scott, and by implication, but not explicitly, from the War Department. There was a remarkable alteration made in a book of General Scott's, adopted last year by Congress as regulations for the army, so that the book used at the War Department differed from that printed under the Act of Congress. The mistake has not been fully explained, but seems imputable to some inattention in the Military Committee of the House of Representatives; but all the questions concerning the legality of the army appointments last summer are closely connected with one of the alterations. The Senate have again rejected the nominations of Colonel Towson and Colonel Gadsden, removed the injunction of secrecy, and published all the proceedings with the messages of the President.

6th. I met at the navy-yard Mr. Fuller, to whom I spoke of the President's message concerning Russell's letters. I told him that my wish continued as I had expressed it to him before, that the call should be repeated. I would not ask any member to repeat it, because in the conflict with Russell in my self-defence which must come before the public, I asked neither favor nor affection of any one. But if any of Mr. Russell's friends in the House, Mr. Floyd, who first moved the call for the letter, or any other, should move to repeat the call, I wished it might be known as my desire that it should pass; and if they did not, I should be obliged to any member who would move for it.

Mr. R. King, of New York, intimated to me that the Baron de Neuville complained to him of *delays* in his negotiation, and said he had taken great pains to induce him to take part with him against the course of the Administration; which he had at last most explicitly refused. I told him I should take up the negotiation with De Neuville immediately after the close of the session of Congress; but I believed the best prospect of concluding a Convention would be the result of manifesting rather indifference than anxiety for it.

He said he thought it would. He also spoke to me of Russell's letter, and said that he understood the whole drift and object of it, and of the proceedings in the House of Representatives relating to it; that it was the same system of defamation which had been pursued for so many years against Mr. Jay—and which was exposed in the late publication of the secret journals of the old Congress.

Mr. Rodney spoke to me of Russell's letter, and of its argument that the Treaty of 1783 had been abrogated by the War of 1812. He said that there had been in the year 1802 a debate in the British Parliament which involved the principle of this question, and in which the British Ministers, and particularly Lord Hawkesbury, maintained the doctrine that rights stipulated by treaty were not abrogated by war. He also showed me in the Annual Register of 1800 the treaty between France and Spain, which he had mistaken for the Treaty of St. Ildefonso, when in a recent debate in the Senate he had said that he thought he had seen this latter treaty in that work.

Mr. Fuller moved in the House this evening a call for Russell's letter, and for any communication from any other member of the Ghent mission relating to it. The motion lies over, of course, one day for consideration.

7th. I called at the President's in the course of the morning, and left with him the copy of my remarks upon Russell's letters, and a written request to him that he would communicate them to the House of Representatives with the letters, on the renewal of the call. I told him that the remarks had necessarily been written in great haste, and if he had time to read them, I would readily make any alteration in them that he should advise. I found J. Sergeant and Hugh Nelson with the President, but they immediately withdrew. Sergeant told me that Fuller's resolution had passed, with not more than three or four votes against it. But Mr. Floyd, the first mover for the letter, and Mr. Cocke, had objected to the renewal of the call.

Newton was in high spirits. The session had begun with meetings of the people of Virginia, his immediate constituents, a message from the Governor of Virginia to the Legislature, and various other movements in the South against our Navigation Acts, which he had always supported. He was Chairman of the Committee of Commerce, and was called by his duty to report upon the memorials of his constituents and others. He remained inflexibly firm, and reported most decisively in support of the laws. It is now ascertained that the British Government itself has determined to yield, at least partially, in this controversy, and that bills have been brought into Parliament for opening their West India trade to our shipping. The opposition of Crawford's partisans to the Navigation Acts has been totally silenced for this session; and, to complete Newton's triumph, I received a few days since from R. Rush a dispatch dated 9th March, mentioning that he had been informed the Ministry, after having determined to present a plan to Parliament for opening to us the West India trade, had suspended this determination upon receiving information of the popular meetings and memorials here against our Navigation Acts. Newton asked me for an extract from this dispatch, which I gave him.

Fuller had brought with him a copy of the resolution of the House calling for Russell's letter, and for any communication from any other of the Ministers of the Ghent mission upon the same subject. It was certified by the Clerk, who had promised Fuller that he would officially deliver a copy of it to the President in the course of the day. Fuller took the copy that he had with him to the President.

Mr. Canning came likewise to the office, and had a long conversation with me upon various topics, as usual. He had a draft of a dispatch to his Government, giving an account of the last conversation between him and me, when he told me that the British Government, approving altogether the grounds upon which their Commissioner Barclay had acted in his difference with General Porter, nevertheless from a conciliatory disposition had authorized Barclay to agree to the report, which will leave the three islands in question within the bounds of the United States. When Mr. Canning told me this, I had assured him that I should make it known to the President, who I was well assured would see in it an evidence of a conciliatory disposition in the British Government, a disposition which he would very sincerely reciprocate. But Mr. Canning in his dispatch had represented me as having said that the President would consider it as a *concession* on the part of Great Britain, to which the American Government would on a proper occasion yield a suitable return; which, he said, was the English for the term reciprocate, which I had used.

Without noticing his criticism upon the term reciprocate (which is a genuine English word, as you may find by consulting Johnson's Dictionary), I said he had in his translation of it given it a sense rather more extensive than I had intended in using it. I did not mean to say that the President would consider this order of the British Government as opening an account current of concessions in which these three islands were to be an item debited to the United States, to be paid for hereafter by some concession of equal value on their part. The reciprocity which I had promised for the President was of conciliatory dispositions—of which he would consider this order as a manifestation. But we did not receive it as a concession, but as the mere waiver of an unfounded claim; being convinced that Great Britain has yielded nothing by it but what we should have obtained by an award of the arbitrator.

Mr. Canning very earnestly contested this point, but finally took the draft of his dispatch, and said he was glad he had shown it to me before sending it, as he would not misrepresent anything that I said to him. He also complained that the message to Congress relating to the duties on rolled and hammered iron had been sent in to Congress so late in the session that they could not act upon it—particularly as he had written to request it before the commencement of the session.

I said that the real cause of the delay had been the unremitting pressure of the public business through the whole session, and the probability that it could not have been taken up even if it had been sent in on the first day of the session.

There had been two subjects before Congress for consideration with which this subject might have been connected, and only two. One was certain resolutions moved by Mr. Baldwin; the other, a bill for revising the tariff proposed by the Committee of Ways and Means. Congress had not found time to act upon either of them, and if this subject had been brought before them separately, they would probably have rejected the alteration desired.

He said he had entertained better hopes from conversations with Mr. Baldwin, of the House, and Mr. R. King, of the Senate.

I replied that as Mr. Baldwin had been the principal antagonist of the measure in the House heretofore, and as he understood more of the merits of the question than perhaps any other member of the House, and there was reason to expect that he would withdraw his opposition, it might perhaps pass the House; but a member of the Senate had told me yesterday that he thought it would be rejected there.

At this Mr. Canning seemed to be much-surprised. I told him that the case appeared by no means clear even to the Executive Government that rolled and hammered iron were the same thing; that France had very recently made a discrimination between them; that the President had been willing to give the most liberal construction to the Convention, and that if between this and the next session of Congress the trade between us and the British West Indies should be opened by Parliament, as there was now a prospect that it would be, perhaps a more liberal disposition would prevail in the Senate, and a better prospect of their consenting to remove the discrimination between the duties on the two kinds of iron.

He said he would communicate to his Government these observations.

After dinner I called at the President's, and found him going to the Capitol. I rode with him and Mr. Gouverneur, who had the message to the House, with Russell's two editions of his letter, and my remarks upon them. He immediately delivered the message to the House. The papers were not read, but ordered to be laid upon the table and to be printed. Before we left the President's house, he put into my hand a paper proposing three or four very slight alterations which he suggested should be made to my remarks upon Russell's letters; all of which I immediately made. They were merely harsh expressions, which in the hurry of writing, and the indignation at the baseness of Russell's conduct in this attack upon my character and reputation, had escaped me. The President had not himself read my paper, the pressure of other business being so great; but Mr. G. Hay had read it, as he told me, very attentively, having already perused both Russell's letters, the real and the spurious one. He had marked the passages which the President proposed to me to alter, the whole not amounting to six lines. He said my paper was so unanswerable in substance, that the less there was of severity in the manner the more powerful would be its effect. For, setting aside entirely Russell's misconduct through the whole business, on the mere discussion of the public question at issue my paper was, both for fact and argument, the most overwhelming thing that he had ever read.

I told him that I only wished he had marked more passages for alteration, and that if there had been time I had intended to have requested him to examine the paper deliberately and vigorously, with a view to expunging or altering any objectionable passage. At the Capitol we found Mr. Crawford and Mr. Thompson. And the President remained there till past eleven at night, examining and signing between fifty and sixty bills. At intervals of time I went into the hall of the House of Representatives, where they were in the usual state of dissolution of the last evening of a session. We left the two Houses still sitting, and the President took me home in his carriage.

8th. Close of the first session of the Seventeenth Congress. The House of Representatives adjourned to meet this morning at six o'clock, but they could not form a quorum; and the Senate had adjourned to meet at ten. I called before that hour at the President's, and found him somewhat concerned at a statement which appeared in the last evening's Washington City Gazette, importing, though in equivocal terms, that Mr. Fuller's resolution calling for Russell's letter, &c., had been rejected by the House. The President said he had sent the message and papers on the certified copy of the resolution left with him by Mr. Fuller; and it was singular that the Clerk of the House had not yet furnished him the official copy of it. I told him that the statement in the Gazette was erroneous, and asked him if he had the National Intelligencer of this morning. He sent for it, and found it stated that Mr. Fuller's resolution had been adopted by the House, after a conversation between Mr. Fuller, Mr. Floyd, and Mr. Cocke on the propriety of calling again for a paper which the President had already once declined to send.

The President remarked that this statement was incorrect. He had not declined to send the letter, but referred it to the House to decide whether upon a view of all the circumstances they would choose to call for it.

After some detention at my office, I went to the Capitol. The President was there—as were Messrs. Crawford, Calhoun, and Thompson. By the new joint rule of the two Houses, no bill can be presented to the President for his signature on the last day of the session. But this was not understood to include bills which passed last evening after he left the Capitol. The Senate were chiefly engaged upon Executive business—passing upon nominations to office. There was in circulation a copy of a letter from Mr. Jefferson to Mr. Ruggles, the Senator from Ohio, railing at the decision of the Supreme Court of the United States in the case of Cohens. G. Hay at first thought it not genuine, and afterwards said it was unworthy of Mr. Jefferson. Thompson said every word in it contained a volume of meaning. Crawford avoided giving an opinion upon it, but spoke of another argumentative letter of Mr. Jefferson's on the same subject, and said he could agree with the doctrine contained in it, according to such construction as he should give to certain passages in it. Calhoun said it was a most extraordinary letter. Every one of these gentlemen spoke with side-glances towards popular prejudices. Calhoun spoke to me with great bitterness of the proceedings of both Houses of Congress at the present session, and especially of the conduct of the Speaker. I said to him, "Mr. Calhoun, you may thank yourself for it all. You, and you alone, made Mr. Barbour Speaker; and I trust you have not forgotten how earnestly I entreated you merely not to prevent the re-election of Taylor, who had offered friendship and good will to the Administration, and who would have kept his word." He said he remembered it, and he now believed Taylor would have been friendly. But he had been much otherwise before. "Well," said I, "you succeeded in turning him out, and you have got one ten times worse in his stead." He said there had never been such a state of things in this Government before. I did not pursue the conversation.

I spoke to Dougherty, the Clerk of the House of Representatives, about the resolution of the House calling for Russell's letter, &c., of which I told him the President had not received the official copy. He had forgotten it, but sent one in the course of the morning. I told Gales that his reporter had stated incorrectly the conversation upon the passage of Mr. Fuller's resolution—which he did not admit, and said he had happened to take the minutes of that whole debate himself, and should publish it entire. I said that was precisely what I wished; but, in the mean time, the statement in this morning's paper was incorrect. Fuller himself also spoke to Gales about it, and he promised to rectify the error. I was some time in the House, which was in a manner breaking up. They adjourned from twelve till two o'clock, and in the interval Mr. R. King and Mr. Macon, of the Senate, and M. L. Hill, one of the three committee-men from the House, came with the usual message to the President, that the two Houses were ready to adjourn if he had no further communications to make to them—which he said he had not. The President then immediately went home, and I returned to my office.

9th. I went first to my office, where D. P. Cook, member from Illinois, called and took leave; he was proceeding on his way homeward. He told me that he had heard that during the latter part of the session of Congress Governor Edwards, the Senator from Illinois, had ranged himself among the partisans of Mr. Calhoun for the succession to the Presidency. He said he had spoken to Mr. Edwards about it; he had denied the fact, but Cook intimated that he nevertheless believed it to be true. But he said that as to the vote of the State, Mr. Edwards well knew it would not be for Mr. Calhoun, nor for any Southern man. Cook last summer married Edwards's daughter. Until this session of Congress Edwards has constantly held himself out to me as peculiarly and earnestly my friend. He has this session sought no occasion of conversing with me, and, I have no doubt, has chained himself to the car of Calhoun. As the time of that election approaches, it becomes daily more apparent that the election will be a contest between two factions in Congress, which is now an open market for the purchase of votes. The two Houses of Congress are the prætorian guards, who will in substance, if not in form, set up the empire at auction. It has been nearly so once before. Were it consistent with my principles to work for my own advancement any otherwise than by public service, it is now too late for me to commence bidding for the Presidency. Neither have I any faculty at driving such bargains. I told Cook that I thought it impossible the present Executive Administration should hold together through another session of Congress. It is now nothing but a system of mining and countermining between Crawford and Calhoun to blow up each other, and a continual underhanded working of both, jointly, against me, which has been the more effective because I have neither creature nor champion in either House of Congress. At this game Crawford is a much superior artist to Calhoun, whose hurried ambition will probably ruin himself and secure the triumph of Crawford. Such is the present prospect.

11th. Mr. Gales, senior editor of the National Intelligencer, was this morning at my office with a first proof-sheet of the Congressional document containing the President's two messages to the House concerning Russell's letters, the letters themselves, and my remarks upon them. He came to consult me about the manner of printing them, but chiefly, I believe, to tell me that he had lost his notes (which, he said, had never happened to him but once before) of the debate or conversation upon Russell's letters, on Fuller's resolution to call for them. So that Gales cannot perform his promise of publishing that debate "in extenso." The remarkable part of it was that Floyd, who had first moved for the residue of the Ghent negotiation papers, and then specially for Russell's letter, and who but a few days since manifested great impatience to get the letter, now opposed the call for it. Upon his first motion for the Ghent papers, he had pretended to want them to ascertain whether there was anything in them that bore upon his projected settlement at the mouth of Columbia River. He did not make the same pretence in moving for Russell's letter, because it was evident from the short letter of 25th December from Russell, communicated with the Ghent documents, and upon the hint of which Floyd moved his second call, that Russell's letter from Paris could have no possible bearing upon the Columbia River settlement. But now, when Fuller moved that the call should be repeated, Mr. Floyd objected to it, saying that he found from the President's message that the letter had no relation to his purposed settlement at the mouth of the Columbia River; and Mr. Cocke said the President had *declined* sending it on the ground of its leading to a misunderstanding between the Envoys. This change of tone and tactics on the part of the movers of the mischief is a signal incident in the course of these transactions, and I wished it might have been duly recorded by an authentic report of the debate.

12th. In the National Gazette of Friday, the 10th, is published Jonathan Russell's letter to Mr. Monroe of 11th February, 1815, with editorial remarks assenting to its doctrines, vouching for the authenticity of the copy published, extenuating and justifying Russell's conduct in writing the letter, but professing a willingness to hear what we have to say against it. The letter itself is garbled; not to the same extent as the duplicate delivered by Russell at the Department of State, but sufficiently to let in the charge of a direct violation of instructions; and with it the extract from the instructions of 15th April, 1813, upon which he founds the pretended charge. It is apparent on the face of all these papers that they were furnished for publication by Mr. Russell himself. And the peculiar profligacy of it is, that he persists in this falsification of his own letter, and repeats the charge of violated instructions after

I had showed him the instructions of 19th October, 1814. I wrote this evening a letter to R. Walsh, the editor of the National Gazette, apprising him that his copy of the letter was not exact.

13th. General Parker came, and enquired if there was any vacant employment under the direction of the Department of State to which he could be appointed. There is no such vacancy. Parker was for some years Chief Clerk in the War Department, and afterwards Adjutant- and Inspector-General, with the rank of Brigadier-General. At the reduction of the army last year, the office of Adjutant- and Inspector-General was abolished; but, in the arrangements made under that act, Towson, who had been Paymaster-General, was made colonel of the second regiment of artillery, and Parker was appointed Paymaster-General. This appointment of Towson's was the principal cause of the difference between the President and the Senate, and of their twice rejecting his nomination; the consequence of which has been that Parker has been removed from the office of Paymaster-General, and Towson re-appointed to it. But, from what the President said to me some time since, he intended at all events to have dismissed Parker from the office of Paymaster-General, Mr. Calhoun having considered himself as ill treated by him. Parker told me this day that Mr. Calhoun one day in February last had him called into the War Office, and, taking the precaution of having a witness present, asked him if he had spoken in a spirit of ridicule or censure upon his, the Secretary of War's, reports; that Parker had said the question was of so extraordinary a kind that he did not know how to answer it. Had any one said that he had so spoken? Who was the accuser, and what had he charged him with having said? Mr. Calhoun had replied that he (Parker) knew whether he had so spoken, and could be at no loss to answer the question; that he had, however, declined answering a question in such general terms, when he was neither told who had made the charge nor what he was accused of having said. I suppose this was the decisive cause of Parker's removal.

15th. Wyer's object was to express his anxiety for the immediate publication of the message with Russell's letters, &c., and to tell me what mischief Russell's letter was working, as published in the National Gazette, against my reputation, and what an earnest expectation there was to see my reply.

Menou came with a note and a counter-projet from the Baron Hyde de Neuville, who, he said, would have come with them himself but that he was severely indisposed and had been yesterday confined to his bed. The President likewise called at the office, and I gave him the French Minister's counter-projet for consideration. I wrote this evening to Mr. T. Fuller, asking him for a minute of the debate on the passage of his resolution calling for Russell's letter.

18th. Gales and Seaton have sent me the proof-sheets of the documents with the President's message to the House of 7th May—Russell's letters and my remarks. They sent this morning the last sheet, which I have myself revised. E. Wyer came again, very impatient for the publication, and telling me with some exultation that the very day after its appearance I should be attacked in a piece of four columns, of which he knew, and which is already written. The President, who had been riding out on horseback with Mr. George Hay, stopped at my door to tell me that he had not seen till this day a recommendation that I had sent him one of the last days of the session of Congress, of Colonel Malcolm as Marshal for East Florida. He had, therefore, nominated another person; but he wished me to inform Colonel Malcolm immediately that there was another place which he would give him, connected with the Indian Department. This notice from the President led me to conclude that Malcolm had found at the Treasury a more efficient friend than the Secretary of State.

20th. I was at the President's, and he directed a Cabinet meeting for to-morrow at noon to consider the last counter-projet from the French Minister. The President very unexpectedly asked me what was the condition of the suit between L. Harris and W. D. Lewis. I told him it had not yet been tried. He said he remembered I had last summer written him a letter containing certain questions relative to this affair, which he had verbally told me he would answer at a suitable time;

but that Harris having been here to apply for his testimony upon the trial, which he had then declined giving, he had thought it best to wait till the trial should be over before answering my queries. He asked if I could furnish him with a copy of them. I said I could; but that since that time the depositions of Mr. Crawford, Mr. Calhoun, and myself had been taken in the case; that Mr. Crawford had testified to certain things as having been said to him by the President concerning me which I had testified were not, and proved by recurrence to dates could not be, true. Mr. Crawford's memory had failed him. The President said he did not see why he should not give his deposition in the case. I said that would be as he should think fit; but that at his own convenience I should wish explicit answers in writing to the questions I had addressed to him. He said he certainly would give them, and asked me if I had copies of the depositions. I said I had, and would bring them to him. He did not tell me why he spoke to me upon this subject now. Harris's principal counsel, Horace Binney, has lately been here.

After returning to the office, I wrote to R. Walsh, and enclosed to him one of the printed messages containing Russell's letters, &c., which were this day made public.

21st. There was a Cabinet meeting at the President's at noon, attended by all the members of the Administration, to consider new proposals of the French Minister. He has sent, in answer to my projet of a Convention, not a counter-projet, but a paper called substance of a temporary arrangement—as loosely drawn as all his former papers. It is drawn in the form of articles; but the articles themselves are argumentative, and the side-notes are as spacious as the articles. The first is, that the Act of 15th May, 1820, and the French ordinance of 26th July after, shall be repealed; the second, that the duties collected under them shall be refunded. The object of these articles is to give the United States the appearance of retracing their steps.

Mr. Crawford was for agreeing to them; to which I warmly objected. The third article was a stipulation to restore deserting seamen, to which I objected also, as belonging to a general commercial negotiation. The other articles made new difficulties about the ascertainment of the French and American ton; renewed the proposal that the discriminating duties should be levied only upon the excess in value of importations over the exportations in the same vessel; and proposed that the operation of the Convention should commence on the 25th of August next. Mr. Crawford was for agreeing to everything.

When the Act of Congress of 15th May, 1820, was on its passage through Congress, at the several Cabinet meetings that were held on the subject, he never intimated an objection to any part of it; when the controversy with France grew into serious difficulty, and symptoms of dissatisfaction with this Act began to appear abroad in the country, and in Congress, Mr. Crawford declared that he had been against the Act of 15th May, 1820, at the time of its passage. But Congress, at their late session, showed a determination so firm and so nearly unanimous to abide by that Act, and the prospect is now so fair of obtaining at least a tolerable bargain with France, that Crawford is afraid of its being too favorable. He, therefore, is for granting everything that the Baron will please to demand, because the more is granted to France the less advantageous will be the treaty to us, and the less advantageous to us, the less credit and the more discredit to the Secretary of State, who is to sign the treaty.

There was warm discussion between Crawford and me upon several of these articles proposed by the Baron, particularly the first and second, the repealing of the Acts, and refunding the duties levied. As questions of interest, they amount to nothing, but the appearance to the world would be that the United States retreated from their own ground.

Crawford said it would be conciliatory; that we were suffering much by the present state of things; that in the last year there had been thirty-eight thousand tons of foreign shipping employed in the commerce between us and France, which was more than there had been of French shipping employed in it at any time.

I agreed that it was very desirable we should form a Convention with France, and said that as to the main point in dispute we had already conceded more than I thought we ought to have done. I believed also that such would be the public opinion should the Convention be concluded. But certainly we should be taken to task for any unnecessary concessions.

Crawford said that if we negotiated in such a temper, no Convention can be formed; that if by admitting these articles we retracted our law, France also retracted hers. But, I observed, the first retracting in this proposal would be ours. Mr. Wirt and the President observed that if we retracted, France must go further back and retract her tariff of 1817. But, Crawford said, we had begun with discriminating duties in 1790.

This is precisely De Neuville's argument, which has been a dozen times refuted in the correspondence. So about the article to restore deserting seamen; Crawford said he was for agreeing to it, and said he was afraid De Neuville would insist upon it. The President and Calhoun were against agreeing to it, and I objected to it, unless we could obtain some advantage for it in return. Crawford said there was a moral obligation to do it by law, and Wirt said the State of Virginia had a law to that effect. I concurred in the opinion that on principles of justice it ought to be the law, but observed that Congress had four years ago refused to enact such a law; and if it was to be conceded as a treaty stipulation to a particular nation, it ought not to be gratuitously given.

There was also much waste of discussion upon the articles concerning the admeasurement of tons; and I remarked upon the arrant trifling in the Baron's projet upon a matter of detail so insignificant. Mr. Crawford, Mr. Calhoun, and the President all thought very favorably of the offer to levy the discriminating duties only upon the excess of importations. Crawford said it would operate as an entire abandonment of all discriminating duties. I thought it was a snare to levy the duties upon articles imported for re-exportation, and said that, although the Baron had agreed to except the latter, I did not see how the details of the two principles could be reconciled together. I was afraid its first and immediate effect would be to raise questions on the meaning of the articles, and that they would produce a new controversy instead of an adjustment. The Baron presents it, however, as an article of his own suggestion, to be inserted subject to acceptance or refusal separately, so that the rest of the Convention may be ratified either with or without it. The Baron likewise proposes that although the Convention shall be limited to two years, it may continue longer, unless six months' notice be given by either party of its termination, and that after the two years, if no such notice should be given, the discriminating duties shall be reduced on both sides from year to year.

Mr. Crawford relied much upon this power of putting an end to the Convention in two years; but I thought its operation would be disadvantageous to us in either alternative; for if the Convention should operate in our favor, France would give the notice, and at the end of two years we should have to begin again. If it should operate against us, we shall be obliged to give the notice, and not only have to begin again, but incur the disgrace of having been overreached in the negotiation. The Baron proposes that the Convention should be in force from and after the 25th of August, to which I thought the 1st of September should be substituted. Mr. Crawford supposed at first that my objection was to the distance of the day; but I told him it was to the day, and for the very reason which had led the Baron to propose it, because it was the festival of St. Louis, the King's fête, and the great holiday of the Bourbons. Crawford was for indulging him also in this humor. He said that De Neuville was now exceedingly anxious to return to France, and very desirous of embarking in a vessel which is to sail from New York the 1st of next month. He considered the proposals of the Baron as amounting in substance to a total abandonment of discriminating duties, which was the great object at which we had been aiming, and he thought we ought not to lose the opportunity of securing it.

Mr. Calhoun inclined also to these opinions, particularly that the Convention would operate to abolish the discriminating duties, and that De Neuville was exceedingly anxious to go home with a Convention in his pocket. My great objection was to the articles stipulating the repeal of the Acts and the refunding of the duties, which would exhibit us in a humiliating attitude to the world. Crawford said that in other respects the

Convention would exhibit France in a humiliating attitude to the world; which I assured him would afford me neither consolation nor gratification. I had not the most distant desire of mortifying France, nor should I take one moment of pleasure in her humiliation. But between that and subscribing to the humiliation of my country there was an immeasurable distance, which I never would traverse. As to the article for the restitution of seamen, there was one consideration which might induce me to agree to it. There was a principle of negotiation that each article in a treaty was to be considered as an equivalent for all the others, and all together as an equivalent for each. If the Convention should prove in substance to be an abandonment of all discriminating duties, and as such operate rather unfavorably to France, this article might reconcile her to its continuance, as she considers it very important and as its operation would be all in her favor; for, as the laws of France prohibit the shipping of foreign seamen in French vessels, there is neither motive nor means of desertion to foreign seamen in French ports.

The President finally desired me to make a draft of a reply to this projet of the French Minister conformable to the impressions which had appeared to be prevalent at this meeting.

After I returned to the office, Baron Stackelberg called, and complained of a mistake in the translation of one of his notes, published among the documents of the late session of Congress. He showed me the passage, which was really mistranslated. The documents were sent in one of the last days of the session, when I had no time to examine the papers, and in such cases blunders are almost sure to happen.

23d. I took to the President's a copy of my letter to him of July last, asking his answers to certain questions respecting the reference of the charges against L. Harris to Messrs. Crawford and Calhoun in 1818, and copies of the depositions of Mr. Crawford, Mr. Calhoun, and myself, taken last November. I told him they were all taken upon the attempt made by Mr. Harris to discredit my testimony given in April, 1821. I requested him to read with the utmost attention the interrogatories, and Mr. Crawford's, Mr. Calhoun's, and my answers to each of them, so as to possess himself entirely of the precise points of the questions to be answered by him. As to the suggestion of his giving his deposition in Court, I must leave that entirely to his own determination. Whether a President of the United States ought in any case to give testimony in a Court of Justice was a question of great public interest, on which I would not wish to give an opinion in a case so directly affecting myself. Mr. Jefferson had when President declined giving testimony, and I would ask nothing of him which could be questionable with reference to his public duties. All I could say was, that, so far as I could be personally affected by it, I was desirous that he should give his testimony, and should be glad if he would give it. But if he did not, I must earnestly renew the request that he would answer the questions in my letter, and answer them in writing. I wanted his answers for my own satisfaction, and for that of my children. He would suit the *time* of giving these answers to his own convenience and inclination. He promised to examine with the utmost attention the papers that I left with him, and to answer my questions before he should retire from public life. I brought him also a letter from General H. Dearborn accepting the appointment of Minister to Portugal, at which he expressed himself much gratified.

My remarks on Russell's letters were this day published in the National Intelligencer.

24th. Dr. Thornton came in this morning, and began at once upon Russell's letters and my remarks. He said he had a very poor opinion of Russell's letter when he first saw it; but this is not the impression which it has generally made. It has passed for being very well written. There is an air of plausibility about it imposing at a first perusal. Its misrepresentations of facts are artful, its argument, though radically sophistical, elaborate and subtle. There is a fatuitous affectation of diplomatic and legal knowledge, shallow and blundering in fact, but masking real ignorance under a show of learning. The President really thought at first that it would make a profound impression upon the public mind. Walsh, the editor of the National Gazette, a man of talents and literature, was so much convinced by the argument that, without waiting for my answer, he pronounced at once upon it in favor of Russell's position, that the Treaty of 1783 was entirely abrogated by the War of 1812. All the newspapers in which Russell's letter, as published in Walsh's Gazette, has been noticed, have spoken of it as an argument entirely conclusive; and Eaton last evening, in speaking of it, observed that Russell wrote remarkably well for so dull a man. G. Hay observed to me two days ago how surprisingly the real state of the question was misunderstood throughout the continent, adding that he had no apprehension but that the public opinion upon it would ultimately come out right. How that may be depends upon a higher power. I shall not satisfy prejudice nor appease malice.

There was a Cabinet meeting at the President's—Mr. Crawford absent, confined to his house by an intermitting fever, and Mr. Wirt at Alexandria. The question to be considered was upon a report of Governor Preston, Commissioner to ascertain the losses of citizens of Georgia by depredations of Creek Indians, for which, by a late treaty, the United States have undertaken to make indemnity. They have gone back in search of such losses to the year 1775. 'Tis chiefly for negroes and cattle stolen. Preston has made an award to the amount of more than ninety thousand dollars, and there are claims for interest reserved to perhaps double that amount. Preston has awarded in favor of claimants upon very feeble testimony, sometimes nothing but their own affidavits, and has allowed enormous prices for the value of negroes and horses lost. He has invariably considered the proof of the loss alone as decisive in favor of the claim of indemnity for restitution, although restitution could only have been of the negroes and cattle which were living at the time of the stipulations in the respective treaties. The claim of interest is the most important point, and I observed that it was made more so by its bearing on the claims of indemnity for slaves upon the British Government, in case the decision of the Emperor Alexander should be in our favor.

Mr. Calhoun questioned whether the claimants ought not to have been held to prove the life of the articles lost at the time of the stipulation for restitution, as well as the loss; but that seems to require proof that could not be obtained. It was objected that the testimony as to the *value* of articles lost had been received by one loser in favor of another. On the whole, the general impression was that Preston's award should be taken as it was made; and, as it had been so liberal to the claimants in regard to the evidence of loss and value, to reject the claim of interest as unusual and dangerous for a precedent.

But Mr. Calhoun desired the decision might be deferred to another day, when Mr. Wirt, and especially Mr. Crawford, might be present, and it was fixed for to-morrow, being Mr. Crawford's well day.

There was some conversation upon three resolutions of the House of Representatives passed on the last day of the session, at the motion of F. Johnson, of Kentucky: two of them relating to the office hours and Clerks in the Departments; and the third calling for a report of a Navy Peace Establishment. The first resolution was, that the practice of keeping office hours only from nine till three o'clock at the Departments was not giving due attendance for the salaries allowed, and ought to be abolished. There was some discussion whether it would be practicable or reasonable to require attendance earlier or later, or both; whether attendance twice a day should be required, with an interval for dining, or a greater number of hours in one continued attendance. There are difficulties and inconveniences in both. I observed that the first resolution had no application in fact to the Department of State, where the attendance the whole year round is from nine in the morning till five or six in the evening. Mr. Calhoun said that his attendance was till four in the afternoon. The propriety of the resolution itself was questioned, and the President thought it an officious intermeddling on the part of one branch of the Legislature with the Executive Administration. I thought it was legislation by one branch, and that if a different system of attendance was to be prescribed, it should be done by law. But the main motive to the resolution was the earnestness of F. Johnson to obtain a re-election.

There is a report to be made to the House on the second day of the next session by the heads of Departments and the Postmaster-General, upon which Mr. Calhoun observed that it should be made with a joint understanding. I think of introducing some new regulations with regard to attendance into the Department of State, for which this resolution, and another of similar character adopted on the motion of Mr. Patterson, of New York, will afford the occasion.

Called at Colonel Bomford's, and saw Mr. Baldwin, of Pennsylvania, who has been detained here by illness since the close of the session of Congress. He is recovering, and hopes to be able to travel in a few days. He began immediately to speak of Russell's letters, and my remarks which were published in the National Intelligencer of yesterday. He said that which had struck him as the most remarkable circumstance of the whole transaction was the falsification by Russell of his own letter, and the shameless impudence of delivering at the Department of State the pretended duplicate as being the letter he had written at Paris. He said that if he had done the same thing with a promissory note it would have introduced him to the penitentiary. And what was the difference between the two cases? A positive law inflicting the penalty; but the moral turpitude was the same in both.

25th. Adjourned Cabinet meeting upon the Georgia claims of indemnity for Creek Indian depredations. Mr. Wirt was yet absent at Alexandria, and Mr. Crawford, by indisposition, confined to his house. The President sent for him, but he sent word that he was unable to come out. These claims which the United States in their last treaty with the Creek Indians have undertaken to pay are some of them as old as the year 1775; and nearly half of the amount admitted by the Commissioner is for losses before 1783. They are all for negroes, horses, and cattle stolen by the Creeks, or absconded or strayed away from the owners into their country. I examined more particularly the papers this day. The allowance for the negroes was at an average of nearly three hundred dollars a head; that for horses, about ninety; both considered as far above the current value of negroes and horses at the times and places when and where they were lost. On the advice of Mr. Calhoun and Mr.

Thompson this day, it was determined to allow all the claims admitted by the Commissioner, even those only recommended by him as fair, though not proved; but to decline allowing interest on the claims, for various reasons. One, that interest is not usually allowed on claims against the public. Another, that the allowance of the claims themselves is upon principles of great liberality to the claimants with regard to the evidence both of their losses and the amount of them. A third, that the engagements of the treaties were all only for specific restitution of the articles lost, and not for damages or interest upon their value; and the United States, having undertaken only to do what the Indians had in the treaties promised to do, are bound only to indemnify for the failure of specific restitution, and not for consequential damages or interest. A fourth, that the engagement of the United States in their treaty is to pay the amount of the indemnities found by the Commissioners to be due, in five annual instalments without interest, which shows that payment of interest upon the claims was not contemplated by the parties; and if not after their amount and validity have been ascertained, *a fortiori* interest cannot be claimed for the prior time.

I gave no opinion; but this subject will come before the Cabinet again.

The President asked me to call upon him to-morrow immediately after church, to speak with me of my draft of an answer to the proposals of the French Minister. Mr. J. Rhea, of Tennessee, came to take leave; going this afternoon. He spoke of Russell's letters with much contempt, but what had struck him most was his writing with such severe censure upon measures in which he had concurred. There are so many varieties of baseness in the whole of Russell's conduct on this occasion, that men of any feeling of honor have a choice of favorite points for special detestation.

Calhoun spoke to me of it yesterday, and of a paragraph in the City Gazette, which charges him with having secretly worked to bring forth Russell's letter. He said he never knew of the existence of Russell's letter till after Floyd's call for the Ghent papers.

I told him that Elliott, the editor of the City Gazette, wanted to bluster himself into consequence.

He said it was not Elliott; it was the hand behind the curtain —meaning Crawford—who did it all.

26th. After church I went to the President's. He told me that he wished me to see the French Minister, Hyde de Neuville, and endeavor to arrange this Convention with him; that the difference between us was now very slight; that De Neuville was very anxious to come to an agreement, wishing to leave this country with friendly sentiments and retaining a recollection of the kindness which he has experienced here. And, he said, it would give great satisfaction in this country that an arrangement with France should be made, and would perhaps lead to a satisfactory arrangement of the trade with the British West Indies.

In going over the articles, however, the President rather indicated the difficulties which he wished to be gotten over, than the manner of getting over them. I told him that I would see the French Minister to-morrow and endeavor to approach towards a conclusion with him. I mentioned having received yesterday a letter from General S. Smith, stating that he saw by the newspapers that our vessels were subjected to heavier duties in the republic of Colombia than those of other nations. He did not say what newspapers, and I knew not to what he referred. But I thought it would be proper to dispatch Colonel Todd as soon as possible, still in his character of an informal agent, and referring it, as originally intended, to them whether an interchange of Ministers Plenipotentiary shall take place, or whether it shall be only of Chargés d'Affaires. The President agreed to dispatch Todd immediately, but said he had no doubt of his right to send a Minister during the recess of the Senate, and he gave me to read a letter from Mr. Madison which he had lately received, in which he gives his opinion in favor of the same principle. In the same letter Mr. Madison touches upon the state of Mr. Monroe's Cabinet and the personal factions which have been struggling against each other in Congress at their late session. The President had alluded to it in the letter to Mr. Madison, to which this was an answer. Mr. Madison speaks of it as a grave and alarming symptom in our public affairs. The President said nothing of this part of Mr. Madison's letter; nor did I to him.

27th. The Baron Hyde de Neuville, the French Minister, came, according to appointment, at two o'clock, and we examined my projet of a Convention and his counter-projet. There is little material difference between us; but he is so tenacious upon trifles and adheres so stiffly to his own loose phraseology that it is difficult to come to terms with him. As to the refunding of the duties levied under the Act of Congress of 15th May, 1820, and the ordinance of 26th July of the same year, he said his principal motive for asking that was because it would serve as indemnity to the Eugénie, the only one of the vessels which had been taken in the waters of Florida, and which had paid the duties. He insisted very earnestly on the article for taking up and restoring deserting seamen, and urged strongly the signature of a whole Consular Convention. On the question of fixing the amount of tonnage by specified quantities of each article, he was not less stiff and unaccommodating, and as to the tonnage duties and light money, he insists upon a discriminating duty on both sides, of five francs. To the articles that the Convention shall last two years, and longer, unless six months' notice be given by either party of its cessation to the other, and that if continued beyond the two years the discriminating duties shall be diminished by one-eighth from year to year, we agreed; also to the proviso that the discriminating duties should be levied only upon the excess of importations over the value of exportations, with the exception of articles imported for re-exportation. But, as this is to be subject to distinct ratification by both Governments, I proposed it should be drawn up as a separate article; to which he agreed. I finally gave him my observations upon his last projet, and desired him to send me a draft of a Convention in form, which we may discuss article by article; which he promised.

Before leaving the office, however, he gave me a copy of the correspondence between the British and French Governments on the case of a French slave vessel having been taken by a

British cruiser, for which Lord Castlereagh ordered the British Ambassador at Paris to make an apology and offer of reparation without waiting for a complaint. He said he did not mean to hold out this example of the British Government as a rule for us to follow, but wished us to consider whether we could not give something like it for the captures of the five French vessels by Lieutenant Stockton and the case of the Apollon. He had shown me this correspondence some weeks since.

28th. Mr. Anderson, Comptroller of the Treasury, spoke much to me of Russell's letter and my remarks upon it, which he thought acrimonious. But, he said, he thought very indifferently of Russell's character, and even of his talents. He also told me that Russell's hostility to me was of long standing, and had long been well known to him, particularly in the winter of 1816 and 1817.

30th. I took to the President the projet of a Convention sent me yesterday by the French Minister, and told him that there was no material point left upon which we could object to concluding it. But, I said, it was a Convention which would not satisfy the people of this country, and it was my deliberate opinion that it would have been a wiser and more successful policy to have adhered inflexibly to the principle of entire reciprocity, and to have admitted no discriminating duties on either side.

He said that was his own opinion; but that the nation was uneasy under the interruption of our direct intercourse with France, and until the late session of Congress we could not calculate upon the firmness, and especially upon the unanimity, with which the ground taken by this Government would be supported.

I said that would be precisely the main ground of complaint against the Convention; for the Executive will be charged with agreeing to this heavy discrimination after knowing that Congress approved of the opposite course. However, we were already so far committed in the points to which we had acceded that I saw no justifiable reason for breaking off the negotiation. The stipulation that after two years, if the Convention continues, the discriminating duties shall be diminished by one-eighth from year to year, and that they shall be levied only on the excess of importations over the value of exportations, may perhaps partly reconcile our people to the Convention, but at all events it was now too late for us to retreat. I left the translation of the projet with the President for his consideration.

Mr. Calhoun came in while I was there. He said Colonel McRae, who was at Wheeling, wished to be informed whether he should be employed as Commissioner to run the line under the Florida Treaty. I mentioned the letter I had yesterday written to the Spanish Minister, to rectify the mistake I had made, under the belief that no appropriation had been made for the expense of running that line. We are to wait for Mr. Anduaga's answer before replying to Colonel McRae. Mr. Calhoun consulted the President also upon what was now to be done concerning the Dauphin Island fortifications. Congress have refused appropriations for continuing them, and large advances have been made to the contractors which must now be recovered back from them. Calhoun's project seemed to be to bring suits at law upon the bonds and mortgages of the contractors, who might plead the breach of contract on the part of the Government by the withholding of appropriations, and recover judgment against the Government. The President asked my opinion, and I said that, according to my first impressions, the proper course was to bring an action for moneys had and received against the contractors for the advances, and if the contract had been broken on the part of the United States by the refusal to appropriate, the only remedy that I knew for the contractors was by petition to Congress. Calhoun afterwards observed that the contractors themselves had failed to complete their work within the time, though the Government had not intended to take any advantage of that. It changed, however, the aspect of the question. The President concluded to take the opinion upon it of the Attorney-General. Calhoun's object is to escape the investigation of the contract by Congress.

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